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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III—SECTION 1

Notifications issued by the High Courts, the Comptroller and Auditor General, the Union Public Service Commission, the Indian Government Railways, and by Attached and Subordinate Offices of the Government of India.

UNION PUBLIC SERVICE COMMISSION

NOTIFICATION

New Delhi, the 12th September 1951

No. F. 1/20/51-Ests.—Shri P. Sitaraman, a permanent officer of Grade I of the Central Secretariat Service and Under Secretary, Union Public Service Commission, has been granted earned leave for 54 days with effect from the 4th September, 1951, with permission to suffix Sunday the 28th October, 1951.

D. C. DAS,
Secretary,
Union Public Service Commission.

OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES

NOTIFICATION

New Delhi, the 11th September 1951

No. CS.684.—The following is a statement of the cash balances of the Central Government on the last day of July 1951 :—

	Rs.
(1) At the Reserve Bank of India in India	183,13,74,000
(2) At treasuries in India	1,40,27,000
(3) In England (Sterling converted at 18d. the Rupee)	3,20,62,000
TOTAL	187,74,63,000

B. N. SEN GUPTA,
Accountant General, Central Revenues.

MINISTRY OF HOME AFFAIRS

Intelligence Bureau

NOTIFICATIONS

New Delhi-3, the 12th September 1951

No. 7/Est(G)/51(70).—Mr. V. Krishnan Nair, Officiating Dy. Superintendent of Madras Police, has been appointed as officiating Dy. Central Intelligence Officer, Calicut (under the Central Intelligence Officer, Madras), with effect from the 3rd September 1951.

No. 7/Est(G)/51(71).—Mr. S. Anathasubramanian, officiating Dy. Superintendent of Madras Police (at present on deputation to the Hyderabad Police) has been appointed as officiating Dy. Central Intelligence Officer, Warangal, (under the Central Intelligence Officer, Hyderabad), with effect from the 29th August 1951.

T. R. SUBHEDAR,
for Director.

INSPECTOR GENERAL OF POLICE S.P.E.

NOTIFICATION

The 11th September 1951

No. 10631/14/SPE/49(181).—Shri Samarendra Chandra Sen, Officiating Inspector, Special Police Establishment Calcutta is granted 29 days earned leave on medical certificate with effect from 7th August 1951 F.N. Certified that on return from leave Shri S. C. Sen is likely to be posted to the same station from which he proceeded on leave.

SITA RAM DATT,
Administrative Officer
for Inspector General of Police, S.P.E.

INDIAN AUDIT DEPARTMENT

Leave and Appointments

NOTIFICATIONS

New Delhi, the 7th September 1951

No. 3362-GE/159-50.—Sri R. Ramaswami Iyer, an officer of the Indian Audit and Accounts Service, reverted during leave from Class I to Class II of the Accountants General's grade with effect from the 14th March 1951.

On return from leave, Sri R. Ramaswami Iyer, an officer of the Indian Audit and Accounts Service, has been appointed to officiate in Class I of the Accountants General's grade with effect from the 29th March, 1951.

No. 3364-GE/461-51.—Shri B. C. Das Gupta, a member of the S.A.S. in the office of the Comptroller and Auditor General of India, New Delhi, has been appointed to officiate as Assistant Accounts Officer in the Commercial Audit Branch of the same office with effect from the 2nd August 1951, until further orders.

No. 3539-GE/261-50.—Shri K. C. Mukherji I, a provisionally substantive Assistant Accounts Officer of the office of the Accountant General, Central Revenues, New Delhi; has been confirmed in that grade with effect from the 15th December, 1950.

Shri Kishan Lal, an officiating Assistant Accounts Officer of the office of the Accountant General, Central Revenues, New Delhi, has been made provisionally substantive in the Assistant Account Officer's grade with effect from the 1st July, 1950, and confirmed in that grade from the 22nd January, 1951.

Shri B. L. Goswami, an officiating Assistant Accounts Officer of the office of the Accountant General, Central Revenues, New Delhi, has been made provisionally substantive in the Assistant Accounts Officer's grade with effect from the 15th December, 1950 and confirmed in that grade from the 31st January, 1951.

Shri C. K. Dutt, an officiating Assistant Accounts Officer of the office of the Accountant General, Central Revenues,

New Delhi, has been made provisionally substantive in the Assistant Accounts Officer's grade with effect from the 31st January, 1951.

Shri S. K. Roy, an officiating Assistant Accounts Officer, of the office of the Accountant General, Central Revenues, New Delhi, has been made provisionally substantive in the Asstt. Accounts Officer's grade with effect from the 22nd January, 1951. The lien of Shri S. K. Mukherji, an officer of the Emergency Cadre of the Indian Audit and Accounts Service, on the post of Assistant Accounts Officer in the office of the Accountant General, Central Revenues, New Delhi, has been suspended with effect from the 31st May, 1950.

No. 3531-GE/38-50.—Sri R. S. Iyengar, an Assistant Accounts Officer in the office of the Comptroller and Auditor General, New Delhi, has been granted refused leave on average pay for three months and 15 days with effect from the 14th August 1951, preparatory to retirement.

No. 3645-GE/38-51.Pt.II.—On return from leave, Sri S. C. Sinha, an Assistant Accounts Officer in the office of the Accountant General, Uttar Pradesh has resumed his duties with effect from the 7th August 1951 in the same capacity.

No. 3648-GE/C-4/PF.—Sri Mulkraj Chawla, an Indian Audit and Accounts Service Probationer, in the office of the Accountant General, Uttar Pradesh, Allahabad, has been granted earned leave for 15 days with effect from the 16th June, 1951.

On return from leave, Sri Mulkraj Chawla has resumed charge in the same capacity with effect from the 30th June, 1951, afternoon.

No. 3670-GE/A-7/P.F.—Mr. E. R. Allen Dent, an officer of the Indian Audit and Accounts Service, has been posted as Deputy Chief Auditor, O.T. Railway, in the office of the Chief Auditor, O.T. Railway, Gorakhpur, with effect from the 18th August, 1951.

No. 3672-GE/S-9/PF.—The services of Sri V. Subramanian, an officer of the Indian Audit and Accounts Service, have been placed temporarily at the disposal of the Government of India, Ministry of Finance, Department of Economic Affairs, New Delhi, with effect from the 15th August, 1951.

No. 3674-GE/S-10/PF.—The services of Sri R. Sivaramakrishnan, a re-employed officer of the Emergency Cadre of the Indian Audit and Accounts Service, have been placed temporarily at the disposal of the Government of India, Ministry of States, New Delhi, with effect from the 20th August, 1951.

No. 3676-GE/L-1/PF.—Sri K. Lakshminarayanan, an officer of the Emergency Cadre of the Indian Audit and Accounts Service, has been posted temporarily as Comptroller, Saurashtra, Rajkot with effect from the 20th August, 1951.

No. 3678-GE/P-5/PF.—Shri T. C. Puri, an officer in the temporary Emergency Cadre of the Indian and Accounts Service, has been granted extension of leave on average pay for 21 days with effect from the 11th July, 1951, in continuation of leave on average pay for one month from 11th June, 1951.

On return from leave, Shri T. C. Puri resumed his duties as an Assistant Accountant General in the office of the Accountant General, Food, Rehabilitation and Supply, New Delhi, with effect from the 1st August, 1951.

On transfer from the office of the Accountant General, Food, Rehabilitation and Supply, New Delhi, Shri T. C. Puri, has resumed charge of his duties as Deputy Accountant General (IV) in the office of the Accountant General, Revenues, New Delhi, with effect from the 15th August, 1951, vice Shri V. Subramanian whose services have been placed at the disposal of the Government of India, Ministry of Finance, New Delhi.

No. 3714-GE/A-6/PF.—On return from leave, Sri R. Rangaswami Ayyar, an officer of the Emergency Cadre of the Indian Audit and Accounts Service, has been posted as Deputy Accountant General II, in the office of the Accountant General, Hyderabad Deccan, with effect from the 15th August, 1951.

No. 3719-GE/44-51.—Shri A. N. Nayyar, an Assistant Accounts Officer in the office of the Accountant General, Food, Rehabilitation and Supply, New Delhi, has been granted leave on average pay for thirteen days with effect from the 1st August, 1951.

No. 3720-GE/44-51.—On return from leave, Shri S. V. Ramchandani has been appointed to officiate as Assistant Accounts Officer in the office of the Deputy Accountant

General (I&S), Bombay, with effect from the 5th August, 1951.

No. 3723-GE/45-51.—On relief from the Office of the Assistant Audit Officer, Defence Services, Patna, Shri J. C. Das Gupta, Assistant Audit Officer, Defence Services, has been granted leave on average pay for six weeks with effect from the 14th August, 1951.

No. 3724-GE/43-51.—Shri T. P. Bhattacharjee, a member of the S.A.S. in the office of the Comptroller, Assam, has been appointed to officiate as an Assistant Accounts Officer in that office with effect from the 16th August, 1951, until further orders.

No. 3725-GE/37-51.—Sri S. B. Ghosal, a member of the Subordinate Accounts Service in the office of the Accountant General, West Bengal, has been appointed to officiate as an Assistant Accounts Officer in that office with effect from the 16th August, 1951 until further orders.

No. 3726-GE/47-51.—Shri D. B. Chawla, Assistant Audit Officer, B.B. & C.I. Railway, Bombay, is granted an extension of leave on average pay for 24 days from 15th August, 1951 to 7th September, 1951, with permission to affix holidays on 8th and 9th September 1951.

No. 3727-GE/48-51.—Shri M. P. Singh, Assistant Accountant General Rajasthan, Jaipur, has been granted privilege leave for 13 days with effect from the 19th to 31st March, 1951 with permission to suffix Sunday, the 1st April, 1951, to his leave.

No. 3728-GE/B-8/PF.—On return from leave, Shri P. C. Banerji, an officer of the temporary Emergency Cadre of the Indian Audit and Accounts Service, has been posted as Assistant Director of Audit, Defence Services, Patna with effect from the 14th August, 1951.

No. 3730-GE/41-51.—Shri S. Bandyopadhyaya, Assistant Accounts Officer in the office of the Accountant General, Madhya Pradesh, Nagpur, has been granted an extension of leave on average pay on medical certificate for four months from 1st July, 1951.

No. 3752-GE/36-51.—Shri G. K. Chawathe, an Assistant Accounts Officer in the Office of the Accountant General, Bombay, has been granted under Fundamental Rule 86 refused leave on average pay for four months preparatory to retirement with effect from the 23rd August, 1951.

No. 3753-GE/36-51.—Shri T. M. Venkataraman, an Assistant Accounts Officer in the Office of the Accountant General, Bombay, has been granted leave on average pay for one month and eleven days with effect from the 21st August, 1951, with permission to suffix to the leave the public holiday on the 2nd October, 1951.

No. 3754-GE/36-51.—Shri H. N. Ghaisas, a member of the Subordinate Accounts Service in the office of the Accountant General, Bombay, has been appointed to officiate as Assistant Accounts Officer in that office with effect from the 21st August, 1951, until further orders.

The 10th September 1951

No. 3668-GE/A-6/PF.—Sri P. C. Asthana has been appointed as probationer in the Indian Audit and Accounts Service with effect from the 20th August, 1951, and attached to the Indian Audit and Accounts Service Training School at Simla from the same date.

The 14th September 1951

No. 3814-GE/6-50.—In partial modification of the Indian Audit and Accounts Department Notifications Nos. 2108-GBE/KW. 197-48, dated the 11th May, 1949, 1930-GE/6-50, dated the 3rd July, 1950 and 66-GE/6-50, dated the 8th January, 1951, the following changes in the dates of appointment in provisional substantive capacities of the undermentioned Assistant Accounts Officers of the Posts and Telegraphs Audit Department are notified:—

Name.	Previous date of appointment in provisional substantive capacity.	Revised date of appointment in provisional substantive capacity.
1. Shri Ram Richa Pal Sharma.	1-7-48	2-3-48
2. Shri V. G. Ramaswamy.	1-7-49	17-11-48
3. Shri J. C. Sen (E.C. of the I.A. & A.S.).	14-10-49	1-7-49
4. Shri K. Narayanan.	16-2-50	14-10-49

No. 3838-GE/P-4/PF.—Shri G. N. Pathak, an Indian Audit and Accounts Service probationer attached to the Indian Audit and Accounts Service Training School, Simla, has been granted earned leave for 5 days from the 13th February, 1951 to the 17th February 1951 and extraordinary leave in continuation upto the 3rd March, 1951 with permission to affix Sunday the 4th March, 1951 to the leave.

On return from leave Sri G. N. Pathak has resumed his duties in the same capacity with effect from the 5th March, 1951.

No. 3866-GE/33-51.Pt.II.—On return from leave Sri K. L. Sharma, an Assistant Accounts Officer, in the office of the Accountant General, Uttar Pradesh, Allahabad, has resumed charge of his duties in the same capacity with effect from the 20th August, 1951.

No. 3837-GE/44-51.—Shri Mansa Ram Prem, a member of the S.A.S. in the office of the Accountant General, Food, Rehabilitation and Supply, New Delhi, has been appointed to officiate as Assistant Accounts Officer in that office with effect from the 14th August, 1951, until further orders.

No. 3868-GE/52-51.—Sri R. S. Ramamurti, a retired Assistant Accounts Officer of the office of the Accountant General, Madras, has been re-employed temporarily in the same capacity in the office of the Accountant General, Hyderabad (Deccan) with effect from the 20th August, 1951, until further orders.

No. 3870-GE/S-13/PF.—Shri M. C. Sarin, an Indian Audit and Accounts Service Probationer, in the office of the Accountant General, Madras, has been granted extension of earned leave for 4 days from the 5th August, 1951 to the 8th August, 1951 in continuation of the leave granted to him for 16 days from the 20th July, 1951.

On return from leave, Shri M. C. Sarin has resumed charge of his duties in the same capacity with effect from the 9th August, 1951.

No. 3872-GE/42-51.—Sri R. Venkataraman, an Assistant Accounts Officer of the office of the Accountant General, Orissa, attached to the Branch Office at Puri, has been granted an extension of leave on average pay for 3 weeks with effect from the 18th August, 1951.

No. 3874-GE/46-51.—Shri M. K. Venkataraman, an officiating Assistant Accounts Officer, in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi has been granted leave on average pay for 2 months and 15 days from the 6th August, 1951.

Shri H. B. Bhatt, a member of the Subordinate Accounts Service in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, has been appointed to officiate as Assistant Accounts Officer in the same office with effect from the 6th August, 1951 until further orders.

No. 3875-GE/46-51.—Shri Sultan Singh, an officiating Assistant Accounts Officer in the office of the Deputy Accountant General, Posts and Telegraphs, Kapurthala, has been granted leave on average pay without medical certificate for 1 month 4 days from the 5th July, 1951.

Shri Sham Sarup, a member of the Subordinate Accounts Service in the office of the Deputy Accountant General, Posts and Telegraphs, Kapurthala, has been appointed to officiate as Assistant Accounts Officer in the same office with effect from the 13th July, 1951 until further orders.

No. 3876-GE/46-51.—On return from leave Sri V. A. T. Rao, an officer of the temporary Emergency Cadre of the Indian Audit and Accounts Service, has resumed charge of his duties as Assistant Accountant General in the office of the Deputy Accountant General, Posts and Telegraphs, Calcutta with effect from the 1st September, 1951.

No. 3879-GE/34-51.—On return from leave, Shri Murari Lal Gupta, a member of the Subordinate Accounts Service of the office of the Accountant General, Central Revenues, New Delhi, has been appointed to officiate as Assistant Accounts Officer in the same office with effect from the 26th August, 1951 until further orders.

No. 3880-GE/34-51.—On return from leave, Shri H. C. Sen Gupta, a member of the Subordinate Accounts Service of the office of the Accountant General, Central Revenues, New Delhi, has been appointed to officiate as Assistant Accounts Officer in the same office with effect from the 26th August, 1951 until further orders.

No. 3881-GE/34-51.—Shri K. L. Sharma, a member of the Subordinate Accounts Service of the office of the Accountant General, Central Revenues, New Delhi, has been appointed to officiate as Assistant Accounts Officer in the same office with effect from the 1st September, 1951 until further orders.

No. 383-GE/37-51.—On reversion from the Department of Food, Government of West Bengal, Sri N. R. Ghosh, a member of the Subordinate Accounts Service, of the office

of the Accountant General, West Bengal is appointed to officiate as an Assistant Accounts Officer in that office with effect from the 1st September, 1951 until further orders.

The services of Sri J. N. Dutt, an Assistant Accounts Officer of the office of the Accountant General, West Bengal, are placed at the disposal of the Government of West Bengal, with effect from the 1st September, 1951.

P. D. PANDE,
Deputy Compt. & Auditor General.

MINISTRY OF DEFENCE

Directorate General, Ordnance Factories

Calcutta, the 13th September 1951

No. 104/51/G.—Mr. J. Chakravorti, offg. O. S., Dte. Genl., Ord. Fys., is granted combined leave for 2 months consisting of P.L. for 1 month and 22 days and F.A.S. on M.C. for 9 days, 23rd July 1951.

K. K. FRAMJI,
Director General, Ordnance Factories.

MINISTRY OF LABOUR

Regional Directorate of Resettlement and Employment

NOTIFICATIONS

Madras, the 30th August 1951

No. E-6-14684-51.—Sri S. Nagabushanam, Principal Industrial Training Institute, Madras has been granted earned leave for 20 days from 11th June, 1951 to 30th June, 1951 with permission to avail the holiday on 1st July, 1951.

He has rejoined duty in the same post on 2nd July, 1951.

P. K. PUSHPARAJ,
for Regional Director.

Office of the Chief Labour Commissioner

New Delhi, the 10th September 1951

No. CLC-14(179)/Adm.—Shri P. G. Roy, Labour Inspector (Central), Gauhati, was transferred to Kharagpur, with effect from the afternoon of 30th August 1951, where he took over charge on the forenoon of 3rd September 1951.

The 14th September 1951

No. CLC. 14(179)/Adm.—Shri S. S. Imam, Labour Inspector (Central), Bermo, was transferred to Gauhati, with effect from the forenoon of 24th August 1951 where he took over charge on the forenoon of 4th September 1951.

L. C. JAIN, I.C.S.,
Chief Labour Commissioner.

LABOUR APPELLATE TRIBUNAL OF INDIA

NOTIFICATION

Calcutta, the 5th September 1951

No. LA.6(2)/3182.—The following decisions of the Bombay Bench of the Tribunal are published for general information :—

1. Appeal No. Bom-4 of 1951.
2. Appeal No. Bom-15 of 1951.
3. Appeal No. 70 and 71 of 1950.
4. Appeal No. Bom-11 of 1951.
5. Appeal No. 96 & 154 of 1950.
6. Appeal No. Bom-5 of 1951.
7. Appeal No. 139 of 1950.
8. Appeal No. Bom-18 & Bom-20 of 1951.
9. Appeal No. Bom-51 & Bom-52 of 1951.

J. N. MAJUMDAR,
Chairman,
Labour Appellate Tribunal of India.

Appeal (Bom.) No. 4 of 1951

The New Pratap Spg. and Mfg. Co. Ltd.,
Dhulia (West Khandesh).

Appellants.

versus

The Rashtriya Mill Mazdoor Sangh,
Dhulia (West Khandesh).

Respondents.

In the matter of an appeal against the order of the Industrial Court, Bombay (Shri K. C. Sen), of 7th December, 1950, in Appeal (IC) No. 156 of 1950.

Bombay, the 2nd day of March 1951

Present :

Shri K. P. Lakshmana Rao, President.

Shri F. Jeejeebhoy, Member.

Appearances :

For the Appellants :

Shri B. Narayanaswamy, Advocate.

For the Respondents :

Shri G. D. Ambekar.

State.—Bombay.

Industry.—Textile (Cotton).

DECISION

This is an appeal by the employers against the decision of the Industrial Court of Bombay on appeal from an Order of the Labour Court of Jalgaon in Application No. 1 of 1950.

2. The Union made an application to the Labour Court alleging that the weavers who are piece-rated workers had been supplied with poor quality of material and equipment, as also insufficient materials, with the result that they could not reach the standardised wage. They, therefore, asked for compensation for the loss thereby suffered by them. The Company denied the allegations and alleged that the fall in wages was due to reduced production by the workmen.

3. The employers raised two preliminary contentions :

(a) that there had been no proper approach as is required by rule 53, sub-rule (1) of the Bombay Industrial Relations Rules; and

(b) that the application was not maintainable in that it was not one of the matters specified in Schedule III.

4. The Labour Court decided both these points in favour of the employers and dismissed the application. The Industrial Court at Bombay on appeal, however, has reversed the decision of the Labour Court on both these points and has remanded the case for hearing on merits.

5. We see no reason to interfere with the decision of the Industrial Court. It is true that in the application which was filed before the Labour Court the Union had asked for compensation equal to the difference between what the workers had earned and the standardised wages; but it is clear from the application that the complaint centred round the refusal of the Company to improve the quality and quantity of raw material and the quality of equipment; and consequently the workmen would have been better advised to have asked in specific terms for reliefs tending to improvement of material and equipment besides their claim for compensation. We must, however, make allowance for the language used by representatives of labour where the meaning is otherwise reasonably clear; if so advised the petitioners can make an application to amend. It is, however, evident that the first item of Schedule III provides for precisely the type of complaint which has now been made, viz., "adequacy and quality of materials and equipment supplied to the workers".

6. Section 42 of the Bombay Industrial Relations Act provides that any employee or representative Union desiring a change in respect of an industrial matter specified in Schedule III may make an application to the Labour Court. It follows, therefore, that an application for relief based on the complaint of the inadequacy or quality of material and equipment as supplied to the workers can be legitimately raised by an application to the Labour Court; and as we have stated above that is the foundation of the petition filed in the Labour Court. Objection has been taken that the payment of compensation arising out of the inadequacy or inferior quality of material and equipment is not a proper subject for an application to the Labour Court under section 42, sub-section (4) of the Bombay Industrial Relations Act. We are unable to accept this contention. The Labour Court is entitled to pass suitable orders in respect of matters covered by the first item of Schedule III, and in our view is not precluded from awarding compensation if the circumstances justify it; and if, as is alleged, the Company had persisted in its violations, a claim for compensation would be in order. We must assume that the Act intends to provide adequate remedies for violations under Schedule III; and the Labour Court may, if it finds against the employers, grant suitable reliefs; we do not accept that its powers are limited so as to preclude from consideration, if the facts so demand, the payment of compensation as a means for rectifying the wrong.

7. The second point relates to the manner of approach. The employers contend that as no copy of the application made to the employer was forwarded either to the Commissioner of Labour or to the Labour Officer concerned as required by sub-rule (1) of rule 53 of the Bombay Industrial Relations Rules, 1947, the approach was not proper. Rule 53 which prescribes the manner of approach reads thus

"(1) Any employee or a representative union desiring a change in respect of (i) any order passed by the employer concerned under Standing Orders, or (ii) any industrial matter arising out of the application or interpretation of Standing Orders or (iii) an industrial matter specified in Schedule III shall make an application in writing to the employer. Where such application is made by an employee it may be made to the employer direct or through the Labour Officer for the local area or the representative of employees concerned. A copy of the application shall be forwarded to the Commissioner of Labour and in cases where such application is not made through the Labour Officer for the local area to that officer.

(2) Where an application has been made by an employee under sub-rule (1) the employer and the employee may arrive at an agreement within fifteen days of the receipt of the application by the employer or within such further period as may be mutually fixed by the employer and the employee or the Labour Officer for local area or the representative of employees as the case may be.

(3) Where an application has been made by a Representative Union under sub-rule (1), the employer and the Representative Union may arrive at an agreement within fifteen days of the receipt of the application by the employer or within such further period as may be mutually agreed upon by the parties.

8. The approach in this case was made by the representative union on 30th May 1950 by an application in writing as prescribed and the change was refused by the Company by their reply of 15th June 1950. No agreement was arrived at within the period prescribed under sub-rule 3 of rule 53 and we agree with the Industrial Court that the omission to send a copy of the application made to the Company to the Commissioner of Labour or to the Labour Officer concerned cannot render the application to the Labour Court untenable.

9. The appeal therefore fails and is dismissed. There will be no order as to costs.

(Signed) K. P. LAKSHMANA RAO,

President.

(Signed) F. JEEJEEBHAY,

Member.

Appeal (Bom.) No. 15 of 1951

The BEST Workers' Union, Bombay

Appellants

versus

The General Manager, BEST Undertaking,

Bombay Municipality, Bombay.

Respondents.

In the matter of an appeal against the award of the Industrial Court (Shri M. C. Shah), Bombay, in Submissions (IC) No. 10 of 1950 and (IC) No. 11 of 1950.

Bombay, the 13th day of March 1951

Present :

Mr. K. P. Lakshmana Rao, President.

Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants :

Mr. N. V. Phadke, Advocate.

For the Respondents :

Mr. N. A. Palkhiwalla, Advocate instructed by Messrs

Crawford Bayley & Co., Solicitors.

State.—Bombay.

Industry.—Transport.

DECISION

This is an appeal against the award of the Industrial Court, Bombay, arising out of Submissions Nos. 10 and 11 of 1950. The employers and the employees had by agreement submitted the disputes between them to the arbitra-

tion of the Industrial Court, Bombay, under section 66 of the Bombay Industrial Relations Act. The Industrial Court after due consideration, made its award, against which the employees have now appealed.

2. We are clearly of the opinion that no appeal lies. Under section 7 of the Industrial Disputes (Appellate Tribunal) Act, 1950, no appeal shall lie from any decision of an arbitrator appointed under any law with the consent of parties to settle the disputes. It is evident that the award before us is a decision of the character as to which an appeal had been expressly excluded by section 7 of the Act.

3. This appeal is therefore, dismissed. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.

(Signed) F. JEEJEEBHoy,
Member.

Appeal No. 70 of 1950

The Gujarat Cotton Mills Co Ltd.,
Ahmedabad, and 8 others.

Appellants

versus

1. The Textile Labour Association,
Ahmedabad.
2. The Ahmedabad Millowners' Association,
Ahmedabad.

Respondents

Appeal No. 71 of 1950

The Bharat Suryodaya Mills Co., Ltd.,
Ahmedabad.

Appellants

versus

The Textile Labour Association, Ahmedabad, and 8 others.

Respondents.

In the matter of appeals against the Order of the Industrial Court (Full Bench), Bombay, in Ref. (IC) No. 188 of 1949, dated the 4th September, 1950.

Bombay, the 14th day of March 1951

Present :

Mr. K. P. Lakshmana Rao, President.

Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants :

Mr. B. Narayanaswamy, Advocate, and Mr. R. J. Kolah, Counsel.

For the Respondents :

Mr. Shantilal H. Shah, Solicitor, with Mr. S. R. Vasawada and Mr. N. H. Sheikh, Secretaries, Textile Labour Association, Ahmedabad.

State.—Bombay.

Industry.—Textile (Cotton).

DECISION

These appeals arise out of an application filed by the Textile Labour Association, Ahmedabad, before the Industrial Court, Bombay, in the adjudication proceedings of the bonus dispute between the Textile Mills of Ahmedabad and their workers. The Association, in that application, prayed for the appointment of a Commission to investigate into the affairs of the ten mills which had shown losses in the year 1949-50, and in the alternative, requested the Industrial Court to direct the said ten mills to furnish detailed information and compile statements as per the several annexures to the said application. It was suspected by the Association that the ten mills had pleaded losses in order to escape payment of bonus, and in support of the application it was urged that, when fair ex-mill prices had been fixed by the Tariff Board after allowing a reasonable margin of profit, when such prices were revised every quarter by the Government, and when prices of raw materials particularly of cotton were controlled, and when wages have been standardized, no mill should make losses; and that if any mill did show losses, it could be safely inferred that it was guilty of mismanagement or fraud. It was stated that as all the evidence, which might build up and substantiate such a case of mismanagement and fraud was in the possession of the mills, the Association felt that it had a right to call for such information, and with the aid of such information discovered any fraud or mismanagement on the part of these mills. The mills concerned objected to the compilation of such statements and to the production of such evidence on the grounds that no specific charges of fraud and mismanagement had been levelled against them, and that the information was being sought merely to "fish" into the affairs of the mills. They also pleaded that the Industrial Court had no jurisdiction to grant such an application.

2. The Industrial Court below apparently accepted the contentions of the Textile Labour Association and passed an order requiring the mills concerned to compile statements and furnish the information required by the Association. The Court observed "It is perfectly competent for us to require the ten mills not only to produce all account books, documents, etc., within their possession or under their control as may be considered by us relevant or necessary for a correct and effective determination of the matter in dispute referred to us but even to require the mills to furnish all information that may be called for by us in any form for a similar purpose". Against this order, the mills in question have come in appeal before us.

3. The Industrial Court in making the order claims to have taken precautions to eliminate from the scope of their order such items as were considered unnecessary or irrelevant for the dispute or calculated to be "fishing"; it is, however, obvious that the whole scope of the order is intended to be a roving investigation into the companies' affairs with the object of securing material to discover and formulate charges of fraud or mismanagement. An order of this sort, based on a limited reading of the Tariff Board's findings and supported by nothing more than mere suspicion, does seem extraordinary.

4. Section 7 of the Industrial Disputes (Appellate Tribunal) Act, however, speaks of an appeal against an award or a decision and does not envisage, in our opinion, an appeal against interlocutory orders of this character. We have endeavoured to bring the parties together in an attempt to smooth out their differences on this point, but we have unfortunately not succeeded, as the gap between the demands of labour and the contention of the mills remained too wide to be bridged. The employees contend that whenever a company alleges a loss in the working of the year, no value should be attached to the audited balance sheets and profit and loss accounts, and the entire affairs of the company and its books and accounts shall be thrown open to scrutiny by the employees to enable them to discover any possible fraud or mismanagement or misapplication of funds or other impropriety. The employers on the other hand contend that charges of fraud, mismanagement or other impropriety are in their very nature so serious that the persons sought to be charged with such delinquency always have the right to demand that the charges should be stated in particular terms, and that the counts of fraud or mismanagement should be specified beyond doubt or ambiguity; that only after such particulars have been given can the employees claim inspection and discovery, and that too limited to the particular items of fraud or mismanagement alleged. The correctness or otherwise of these two opposing contentions will have to be determined should the question arise in any appeal before us. At present we must dismiss these appeals on the ground that no appeal lies from the order which has been made. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.

(Signed) F. JEEJEEBHoy,
Member.

Appeal (Bom.) No. 11 of 1951

The New Shorrock Spg. and Mfg. Co.,
Ltd., Nadiad.

Appellants

versus

The Textile Labour Union, Nadiad.

Respondent.

In the matter of an appeal against the order of the Industrial Court (Shri D. G. Kamekar), Bombay, sitting at Ahmedabad, in Appeal (IC) No. 150 of 1950.

Bombay, the 19th day of March 1951

Present :

Mr. K. P. Lakshmana Rao, President.

Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellant :

Shri S. B. Patel, Manager.

For the Respondent :

Shri S. P. Dave, with Messrs. S. R. Vasawada and N. H. Shaikh of Textile Labour Association, Ahmedabad.

State.—Bombay.

Industry.—Textile (Cotton).

DECISION

This is an appeal against an order of the Industrial Court, Bombay, reversing a decision of the Labour Court,

Ahmedabad, on a question of illegal change. An application had been made to the Labour Court on the allegation that subsequent to the award of the Industrial Court on standardization of wages, the Company had, contrary to previous practice, deducted wages for "unsubstituted" holidays. The Textile Labour Association, therefore, contended that there had been an illegal change, and they maintained that the award had not directed the company to alter the practice regarding payment for "unsubstituted holidays". Therefore the main issue before the Labour Court was stated as follows :—

"Was there a custom of paying for the unsubstituted holidays prior to the award and has the custom been changed?"

No oral evidence was led on either side, and the only documentary evidence on which the decisions below have been based are exhibits 11 and 32, both filed by the employers in support of their claim that there had been no departure from the previous practice. The Labour Court dismissed the application of the Association holding that there was no previous practice or custom of paying for unsubstituted holidays, and that, therefore, there was no illegal change. The Industrial Court below on appeal set aside that decision and declared that there had been an illegal change in withdrawing a concession or usage of paying basic wages and dearness allowance for "unsubstituted holidays" by which is meant holidays for which substitution was not possible by Sunday working, and directed that the mill company should withdraw the change immediately.

2. We have given careful consideration to the arguments which have been advanced before us on exhibits 11 and 32. Exhibit 11 is a statement prepared by the employers to show the practice which had been prevailing all along from 1945 to 1949. The Company has asserted that there was never any custom of paying for extra holidays. The practice adopted by the company, and as exemplified by the items in exhibit 11 (excluding the last item which relates to the period after the award), was shortly this : The company would first take the number of working days in the month, which meant the total number of days in the month excluding Sundays and holidays; they would then divide the monthly wage by the number of working days so as to find the average daily rate; the workmen would then be paid at that rate for the actual number of days that they worked during the month. On going through the list of items in exhibit 11 we find that this practice has been consistently followed by the Company, and that there has been no other practice in existence before the award.

3. We are unable to uphold the decision of the Industrial Court on this point. Where a practice is alleged, as has been done by the Textile Labour Association in this case, there must be some consistent course of conduct to support it. In the case before us the Industrial Court below has found in favour of this practice upon a consideration of merely two items of exhibit 11 and the one item shown in exhibit 32. In our view those items are not capable of the construction which the Industrial Court has placed upon them. The two items of exhibit 11 clearly support the practice which has been urged by the company as having been in existence all along, and they are consistent with the other items of exhibit 11. That these two items conform also to the requirements of the Payment of Wages Act in no way derogates from the existence of the practice as asserted by the employers. As regards exhibit 32, no inference can be drawn against the employers as the management had closed the mill for six days on account of the death of the proprietor and those days were specially treated as working days.

4. We hold that the practice prevailing prior to the award has been as stated by the company; and it is a practice which they had consistently observed. The employees have failed to establish any practice different to it, and there has been no change.

5. We therefore set aside the decision of the Industrial Court below and affirm the decision of the Labour Court, and hold that as there has been no illegal change the application was rightly dismissed by the Labour Court. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.
(Signed) F. JEEJEEBHROY,
Member.

Appeal No. 96 of 1950

The Anamallais Timber Trust Ltd., Chalakudi, Travancore-Cochin.

Appellants.

versus

The Anamallais Timber Trust Ltd., Labour Union, Chalakudi, Travancore-Cochin.

Respondents.

Appeal No. 154 of 1950

(1) The Anamallais Timber Trust Ltd., Labour Union, Chalakudi.

(2) Vadakkan Chacko, Son of Ouseph, Member, Anamallais Timber Trust Ltd., Labour Union, Chalakudi.

Appellants.

versus

The Anamallais Timber Trust Ltd., Chalakudi.

Respondents.

In the matter of appeals against the award of the Industrial Tribunal (Sri C. Sankara Menon), Ernakulam, in Reference No. 1 of 1950 published on 22nd September 1950.

The 5th day of April 1951

Present :

Mr. K. P. Lakshmana Rao, President.
Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants in Appeal No. 96 of 1950 and for the Respondents in Appeal No. 154 of 1950 :

Sri C. A. Ouseph, Advocate.

For the Respondents in Appeal No. 96 of 1950 and for the Appellants in Appeal No. 154 of 1950 :

Sri P. Balagangadhara Menon, Advocate.

State.—Travancore-Cochin.

Industry.—Wood, Stone & Glass (Wood).

DECISION

Appeal No. 96 of 1950 is an appeal by the employers against the award of the Industrial Tribunal, Ernakulam, which was duly published on 22nd September 1950. Appeal No. 154 of 1950 is a cross appeal by the employees. We shall deal with both the appeals in this decision.

2. On behalf of the employers the first contention raised by learned Counsel was to the effect that the Tribunal had not been properly vested with jurisdiction to entertain or decide the reference; but after some arguments learned Counsel decided not to press this point or the question of the wage scales and dearness allowance which had been raised in the grounds of appeal. Later he also withdrew his objection to the gratuity which had been granted, and to the retrospective effect of the award.

3. The employees have urged before us that the basic wage and dearness allowance as granted by the Tribunal are insufficient, and that they ought to be increased. They have also urged that the direction of the Tribunal to the effect that "35 tons will be the minimum work load and if the turn-over fell short of this minimum, the wages may be proportionately reduced" is unjustified and ought to be removed. They did not press the ground of appeal concerning bonus.

4. We are of the opinion that no grounds exist for interfering with the award. The learned Adjudicator has carefully considered the question of basic wages and dearness allowance and for that purpose has made comparisons with similar concerns in Ollur and Trichur. He has taken into account the relevant data concerning a fair living wage, and has come to the conclusion that Rs. 20 a month would be the absolute minimum with which a worker would be able to keep himself and his family above want in normal times. He has fixed Rs. 13/6/- as the minimum basic wage of a workman in this concern and has graded it in such a way that it will rise to Rs. 30 per month or Rs. 1/2/6 per day for a month of 26 working days within a period of 5 years; and the minimum basic wage so given is higher than the lowest wage of the Trichur saw mills which pay Rs. -/11/6 per day. We see no reason to differ from the finding of the learned Adjudicator on the fixation of the basic wage.

5. As regards dearness allowance the learned Adjudicator has neutralised to the extent of 75 per cent. of the rise in the cost of living, and has fixed the dearness allowance at Rs. 23/7/- per month of 30 days or Rs. -/14/5 per day for 26 working days; the dearness allowance is to be on a sliding scale and will be increased or decreased

when the cost of living index figure rises or falls by 5 points. We feel that the rate of dearness allowance granted is more than satisfactory, and we are unable to increase it.

6. On the issue of the fixation of a minimum work-load of 35 tons, it has been urged before us on behalf of labour that this in effect amounts to a piece rate basis of remuneration. We do not think that it is susceptible of any such interpretation. We must take into account the background to this industry. It was worked during the war years by the Government when it made profits, but during the last three years the profits of the concern have been meagre, so much so that the learned Adjudicator has declined the claim for bonus, and the issue of bonus has not been pressed before us on behalf of labour. Furthermore, although this concern has better machinery and better equipment than similar industries in Trichur and Ollur, yet the turn-over was less and the wage ratio to income higher than in the other two places at a time when all the three mills were being worked by steam. The mill, with which we are now concerned, has changed over to electrical energy, and it is not disputed that by doing so an increase in output ought to be expected. The learned Adjudicator in such circumstances was wise, when he fixed a higher basic wage and a higher dearness allowance, to impose a condition that a minimum work-load of 35 tons should be forthcoming in a shift of 8 hours, and that if such turnover was not achieved the wages would be proportionately reduced; he has however made it clear that if the short-fall of work is caused by circumstances beyond the control of the labourers or the employers the wages should not be reduced. We see nothing inherently wrong in that an Adjudicator should fix a wage structure upon the basis of a particular minimum production; in fact it is a satisfactory way of dealing with the general complaint that although labour is being paid more its production is on the downward grade. In the case before us it is evident that the employees were not working to proper capacity. The Manager of the respondent concern has stated that if a minimum of 30 tons were cut in a shift of 8 hours the mill could just run without loss, and that at a time when steam power was being used. On 20th April 1950 the mill worked two shifts by steam power and was able to saw 29 to 32 tons per shift of 8 hours; and learned Counsel for the employees was not able to controvert the proposition that by the use of electric power a larger turnover could be reasonably expected. In these circumstances we must decline to remove the requirement of a work load of 35 tons.

7. In the result both appeals are dismissed. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.

(Signed) F. JEEJEBHOY,
Member.

Appeal (Bom.) No. 5 of 1951

(1) Sri P. S. Balan, Secretary, Vellankara and Thatill Rubber Estate Thozhilali Union, Travancore-Cochin.

(2) Sri M. A. Govindan, Tapper, Vellankara Thatill Rubber Estate.

Appellants.

versus

Sri T. V. Kochuvareed, Planter and Proprietor of the Vellankara and Thatill Rubber Estate.

Respondents.

In the matter of an appeal against the award of the Industrial Tribunal (Sri C. Sankara Menon), Ernakulam, in Reference No. 2/50, published in the Government Gazette 25th November 1950.

The 6th day of April 1951

Present :

Mr. K. P. Lakshmana Rao, President.

Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants :

Sri P. Balagangadhara Menon, Advocate.

For the Respondents :

Sri P. P. Devssy, Advocate.

For the Government :

Sri T. N. Subramania Iyer, Advocate General, Travancore-Cochin State.

State.—Travancore-Cochin.

Industry.—Plantation (Rubber).

DECISION

This is an appeal against the award of the Industrial Tribunal, Ernakulam, which was published in the Government Gazette of 25th November 1950. The Reference was in respect of basic wages, dearness allowance, bonus and certain other matters concerning the employees of rubber estate and factory of the Vellankara and Thatill rubber estates of Trichur. During the pendency of the Reference the Industrial Disputes (Appellate Tribunal) Act, 1950, was extended to the State of Travancore-Cochin, and the Industrial Disputes Act, 1947, with its subsequent amendments was likewise extended. Thereupon the employer contended that the Reference was valid only as regards the factory labour and that the Tribunal had no jurisdiction in respect of any matters relating to the estate labour on the ground that the provisions of the Industrial Disputes Act, 1947, and its subsequent amendments, applied only to industrial concerns. The learned Adjudicator below has upheld that contention, and has confined his award to factory labour. The employees have appealed against that award, and have urged in their appeal before us—

(a) that the Tribunal below was in error in excluding the estate labour from its adjudication ;

(b) that the basic wage and dearness allowance which had been given to the factory labour by the award are insufficient ; and

(c) that the three persons mentioned in paragraph 15 of the award ought to have been reinstated.

The appellants did not press the question of bonus which they had raised in the grounds of appeal.

2. The question relating to the inclusion or exclusion of estate labour under the Reference, and the question as to the jurisdiction of the Tribunal in that respect, depend upon the meaning and effect of the definition of "industry" as appearing in the Industrial Disputes Act, 1947. Under the Act "workman" means any person employed in any industry to do any skilled or unskilled manual or clerical work for hire or reward; and "industry" has been defined as meaning any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen. In a rubber estate the employees other than the factory labourers would normally tend to the trees and draw the latex. That the rubber estate is a "business" cannot be denied, and in any event it is decidedly a "calling of employers" or "employment of workmen", and in our view the learned Adjudicator was decidedly in error in the view that he took that the provisions of the Industrial Disputes Act excluded consideration of matters concerning estate labour. "Industry" is defined in section 2 clause (j) of the Industrial Disputes Act in the widest possible terms; and the Calcutta High Court had to consider this question in the matter of municipal employees in the case of the Municipal Commissioner of Budge Budge Municipality v. P. R. Mukherjee and others (54 C.W.N. 784). It was held in that case, upon a construction of sections 2(k) and 2(s) of the Industrial Disputes Act, that anybody employed in an industry is a workman, and anyone employed in an undertaking, though it is not of an industrial nature, would be a workman, and that undertaking would be an industry within the meaning of the Act. As observed by the Chief Justice in the course of his judgment at page 787 :

"It is somewhat unfortunate that the term 'workmen' is defined in terms of industry and in the definition of 'industry' reference is made to the term 'workmen'. However, the definition of 'industry' is in the widest possible terms. But Dr. Sen Gupta has contended that the words 'business, trade, undertaking or calling of employers' must be qualified by the adjective 'industrial' and that the words 'calling, service, employment of workmen' should also be qualified by the same adjective 'industrial'. It will be noticed that in the definition of the word 'industry', the word 'industrial' is used to qualify the words 'occupation or avocation of workmen'. But it is not used to qualify the words 'any calling, service, employment or handicraft of workmen' and it is not used to qualify the terms 'business, trade, undertaking, manufacture or calling of employers'. The omission appears to be intentional and, therefore, any undertaking is an industry and so is any service or employment of workmen in such an undertaking. Anybody employed in an industry is a workman and it appears to me that

anyone employed in an undertaking, though it is not of an industrial nature, would be a workman, and that undertaking would be an industry".

3. We therefore hold that the learned Adjudicator below was wrong in refusing to adjudicate upon the dispute concerning the estate labour and he must now deal with that dispute and make his award thereon.

4. As regards the employees' appeal in respect of the basic wage and dearness allowance of the factory labour, we see no reason to interfere with the award. There was a previous adjudication and certain rates were fixed by the award. Those rates were reduced after the period of the award had elapsed. The basic scale fixed at the tripartite conference is in fact lower than the scale given by that award by one anna in the case of males and 2 annas in the case of females. The learned Adjudicator has after consideration of all factors decided to restore the rates fixed by the previous award, and we see no reason to interfere with that decision.

5. As regards dearness allowance, the Adjudicator has given 50 per cent. of basic wages as dearness allowance and has given satisfactory reasons for so fixing it. He has pointed out that the capacity of the industry is not such as to enable him to allow full neutralization, and we think that he has rightly allowed neutralization so that each workman gets 50 per cent. of basic wages by way of dearness allowance.

6. The third point raised on behalf of the employees is that the three workmen, namely P. S. Balan, K. M. Krishnan and M. R. Appunni ought to have been reinstated in employment. The case of P. S. Balan was not considered by the Adjudicator on the ground that P. S. Balan is an estate employee and it will have to be dealt with hereafter by him. As regards K. M. Krishnan and M. R. Appunni, they were alleged to have seriously assaulted two of the labourers because the latter refused to boycott the second shift. Krishnan and Appunni were prosecuted, but whereas the assault took place in August 1949, we are told that judgment was delivered yesterday acquitting or discharging them. In the meantime the management took action against these two persons on the basis of misconduct subversive of discipline, and after due enquiry these persons were discharged. It was urged before us as a question of law that the management ought to have waited until the conclusion of the criminal proceedings before it took steps to discharge, and that since these two persons have now been discharged or acquitted they ought to be reinstated. We are quite unable to agree. It is the duty of the management to impose discipline in the administration of its affairs, and even though the assault took place outside the factory premises, the employers were entitled to take action against these two persons as the assault was the result of an act of intimidation of other workmen. We do not agree that because the criminal Court has acquitted or discharged these two men the management was not justified in taking action against them, or that the decision of the management was erroneous, for we can visualise a prosecution failing for a variety of reasons.

7. The appeal is therefore allowed on the question of the validity of the Reference concerning estate labour, and is otherwise dismissed. The Adjudicator will deal with the dispute regarding estate labour and make his award. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.

(Signed) F. JEEJEEBHAY,
Member.

Appeal No. 139 of 1950

The Army and Navy Stores Limited, Local Staff Union, C/O The Army and Navy Stores, Near Museum, Fort, Bombay.

versus

(1) The Army and Navy Stores Limited, Near Museum, Bombay.

(2) Workmen in the employment of the company who are not members of the Union Appellant.

Respondents.

In the matter of an appeal against the award of the Industrial Tribunal (Sri Salim M. Merchant), Bombay, in Ref. (IT) No. 84 of 1949, published in the Bombay Government Gazette, dated October 5, 1950.

The 13th day of April 1951

Present :

Mr. K. P. Lakshmana Rao, President.
Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants :

Shri N. V. Phadke, Advocate.

For the Respondents :

(1) Mr. A. C. Beynon, Bar-at-Law, Counsel.

(2) No appearance.

State.—Bombay

Industry.—Miscellaneous.

DECISION

This is an appeal by the employees of the Army and Navy Stores, Limited, Bombay, against the decision of the Industrial Tribunal at Bombay in Reference (IT) No. 84 of 1949, on the subject of bonus. The employees demanded bonus equivalent to three months' salary or wages for the financial year ending 31st August 1948. The learned Adjudicator came to the conclusion that the trading results of the year ending August 1948 did not justify the payment of any bonus in addition to the Christmas bonus granted for the year. We are unable to agree.

2. It appears that the company have asked that the statements of accounts which they submitted should be kept confidential under section 21 of the Industrial Disputes Act, and we shall therefore refrain from discussing the financial position of the company in detail as we would otherwise have done. We have, however, acquainted ourselves with the state of the accounts as appearing in the published statements and have heard full arguments thereon.

3. Since 1944 the company had been giving one month's basic wage as Christmas gratuity. In addition to this, two months' wages were paid annually as gratuity to supplement the dearness allowance which the company had been giving. As a result of the Divatia Award, (which has been discussed in our decision in Appeal No. 145 of 1950) which gave these employees dearness allowance on the Bombay Government scale, the Christmas gratuity was retained, but the two months' annual gratuity given by the company was discontinued. The claim for bonus, therefore, must rest upon the demand of the workers to a share of "available profits" in order to lessen the gap between the present wages and the ideal of a living wage.

4. The company claims that it has no "available surplus" of profits from which any bonus could be paid. We are unable to accept that view. During the course of a fairly lengthy hearing on this issue, we have carefully examined the trading results of the year; the statements have been open to inspection to the employees, and we have heard Mr. Phadke's analysis of the accounts. It is true that there has been a recession of trade since 1947, but the fact remains that for the year ending 31st August 1948, the profits of the concern were sufficient to pay a very substantial dividend and bonus to the shareholders. Allowing for all other items which the company could legitimately claim to deduct before the "available surplus" is ascertained, (and in this matter we have followed the broad principles of our decision in the Millowners' Association, Bombay v. the Rashtriya Mill Mazdoor Sangh, Bombay, and the Kurla Girni Kamgar Sangh, Kurla, in so far as it can be made applicable to a retail store), we find that there is a sufficient "available surplus" from which the company ought to satisfy the claim of the employees to a bonus to some extent. Having regard to all the circumstances we award bonus equivalent to one month's basic pay for the year ending 31st August 1948, in addition to the Christmas bonus.

5. The grounds of appeal relating to the terms and conditions attached to bonus were not pressed and the bonus will be paid in accordance with the conditions fixed by the Tribunal below.

6. The appeal is allowed accordingly. No order as to costs.

(Signed) K. P. LAKSHMANA RAO,
President.

(Signed) F. JEEJEEBHAY,
Member.

Appeal (Bom.) No. 18 of 1951

1. Shri S. C. S. Menon and

2. Shri P. G. Janardana Pillai, General Secretary and Joint Secretary respectively of the F.A.C.T. Employees Association, Eloor, Alwaye.

Appellants.

versus

The Fertilisers and Chemicals, Travancore Ltd., Alwaye.

Respondents.

Appeal (Bom.) No. 20 of 1951

The Fertilisers and Chemicals, Travancore Ltd., Alwaye.

Appellants.

versus

The Workmen of the Fertilisers and Chemicals, Travancore Ltd., Alwaye, represented by the F.A.C.T. Employees' Association, Eloor, Alwaye.

Respondents.

In the matter of appeals against the award of the Industrial Tribunal (Sri C. S. Lakshmana Pillai), Trivandrum, in I.D. No. 2 of 1124, dated the 18th December 1950.

The 23rd day of April 1951

Present :

Mr. K. P. Lakshmana Rao, President.

Mr. F. Jeejeebhoy, Member.

Appearances :

For the Appellants in Appeal (Bom.) No. 18 of 1951 :
Shri P. Balagangadhara Menon, Advocate.

For the Appellants in Appeal (Bom.) No. 20 of 1951 :
Shri M. S. Menon, M.A., Bar-at-Law, and Shri G. B. Pai, M.A.B.L.

For the Respondents in Appeal (Bom.) No. 18 of 1951 :
Shri M. S. Menon, M.A., Bar-at-law, and Shri G. B. Pai, M.A.B.L.

For the Respondents in Appeal (Bom.) No. 20 of 1951 :
Shri P. Balagangadhara Menon, Advocate.

State.—Travancore-Cochin.

Industry.—Chemicals and Dyes (Chemicals)

DECISION

This is an appeal by the employees of the Fertilisers and Chemicals Travancore Ltd., Alwaye, against the award of the Industrial Tribunal of Trivandrum in Industrial Dispute No. 2 of 1124. There is a cross appeal of the concern [Appeal (Bom.) No. 20 of 1951] and we shall deal with both the appeals in this decision.

2. This concern is engaged in the manufacture of chemicals and fertilisers. It has a paid up capital of three and half crores of rupees, of which the major portion has been subscribed by the Governments of Travancore-Cochin and Madras. This factory is the largest one of its kind in production in India at present, and will be the second largest when the Sindhri Fertiliser Factory commences operation. The construction of the factory was started in 1944, and the stage of experimental production was reached towards the middle of 1947; commercial production started on 1st August 1948. It has been stated before us on behalf of the management that as this is a national concern, they are not approaching this adjudication with the object of gaining any advantage at the expense of the employees; they are quite willing to loyally accept and abide by the decision of the Tribunal on any of the matters referred, as the company is interested in increased production in this concern of national importance and will be happy to have a contented labour force. We appreciate this approach, and shall proceed to deal with the points which have been argued before us.

2. Issues 1 and 2.—It is stated on behalf of the employees that the basic scales which have been given are too low. With the start of experimental production in the middle of 1947, the basic wage of unskilled labour was fixed at Rs. 30 rising by annual increment of Rs. 2 in five years to Rs. 40. In our opinion there is no justification for an increase of this basic scale which is high by any present day standard, and obviously takes into account the nature of the work done by the operators. The women scavengers have now been given the scale of Rs. 20—3—35 which also, in our opinion, is adequate. A sweeper is given Rs. 27 but no dearness allowance, and a gardener gets Rs. 32 as basic wage plus Rs. 20 as dearness allowance. If a sweeper has only part time work to do the existing wage appears to us to be sufficient, but if he does full time work, his basic wage should be raised to Rs. 30—1—35 with the same dearness allowance as is given to the operator, namely, Rs. 24. The male scavenger gets Rs. 20—3—35 as basic wage and the Tribunal has raised the woman scavenger to the same scale; each of them gets a dearness allowance of Rs. 20 but we think that that dearness allowance should be increased to Rs. 24 on a par with the dearness allowance given to the operator. Similarly we think that the attenders should have the dearness allowance increased from Rs. 20 to Rs. 24. Subject to this, we do not think that the scales call for any interference.

3. Issue 6.—This relates to the issue of dearness allowance. The learned Adjudicator has carefully considered

the question of dearness allowance. The rates of dearness allowance have been Rs. 20 for wage scale up to Rs. 55, Rs. 25 for wage scale up to Rs. 110, Rs. 30 for wage scale up to Rs. 175, Rs. 40 for wage scale up to Rs. 275 and Rs. 50 for wage scale up to Rs. 600. The learned Adjudicator has raised the lowest three scales to Rs. 24, Rs. 28 and Rs. 32 respectively. There is no evidence before us to justify an increase of dearness allowance beyond what the learned Adjudicator has given, which we confirm.

4. Issue 38.—The next issue pressed before us was Issue 38 relating to the supervisory staff. It has been contended by labour that the adjudication is not confined to persons employed to do skilled or unskilled manual or clerical work, but that it extends to anybody employed by that industry so long as his case is sponsored by a workman. This Tribunal has previously held that such interpretation is not correct, and that the supervisory staff does not fall within the adjudication. That decision stands.

5. Issue 7.—The workmen have advanced a claim that they should be paid 5 per cent. of their basic salary with a minimum of Rs. 5 a month as compensation for doing work at night. The production in this factory is continuous for the full 24 hours, in three shifts of eight hours each, and every worker in the normal way is required to do the night shift when his turn comes. This is a common feature of all industries where there are three shifts in 24 hours, and no case has been made out for the grant of any special allowance for night work. The wage structure assumes that the workmen will be required to do night shifts in turn, and it is not suggested that any of the workmen are permanent night workers. We cannot allow the claim.

6. Issues 8 and 9.—These two issues deal with the claim for allowance for working under conditions injurious and dangerous to health and life. The claim has been disallowed by the learned Adjudicator, but it has been pressed before us. We have no doubt that when the basic wage was fixed, whatever hazards existed had been taken into consideration. It was admitted before us that all the statutory requirements for protection of health and for avoidance of accidents have been duly observed. We were naturally concerned to see whether the work as an occupation was injurious to health or dangerous to life, but no evidence or literature has been placed before us to justify the conclusion that working in this factory leads to any occupational disease or is otherwise harmful if the normal precautions are observed; and we are informed that gas masks and dust masks are duly provided. As regards danger from accidents, we have had placed before us Exhibit XXIX which gives a list of accidents reported from this factory under the Factories Act during the years 1947, 1948 and half of 1949. The number of accidents is appreciably small. Acid burns were two in 1947, 8 in 1948 and 4 up to July 1949; similarly burns due to other chemicals were 5, 5 and nil respectively; burns due to fire or steam were 3, 7 and 3; electrical burns were nil, 2 and nil; accidents in wood handling section were 24, 10 and 1; other accidents were 47, 98 and 26. For a labour force of something over 2,000, these statistics do not disclose any special exposure to accidents. Similarly exhibit K is a statement of patients attending the dispensary in 1948. It does not show that the employees suffered from any disorders which could be said to arise from the nature of the work which they were doing. We agree with the Tribunal below that no special allowance is indicated on account of the nature of the work done in this factory; and it is relevant to observe in this connection that the work is not a hazardous occupation within the meaning of the term in the Workmen's Compensation Act.

7. Issue 40.—We were next referred to Issue 40. It was claimed that all the enhanced scales of wages and salaries and other allowances should be effective with retrospective effect from 1st December 1948. The learned Adjudicator has made them retrospective from 1st January 1949 and we see no reason to interfere. There are, however, certain matters dealt with in this issue which have also been raised in the appeal of the company, and certain rectification or clarification becomes necessary. The employees have contended that under the award all temporary employees are entitled to retrospective effect of the increases which have been given to the temporary staff, even though the Adjudicator has held that the increases to temporary staff shall not enure before the date of the publication of the award, and this issue is to that extent inter-related with Issue 18 where the learned Adjudicator has held that temporary men having continuous service of not less than one year should be treated as permanent employees. The factory has had on its staff a large number of temporary men required for construction work; and when the construction work was completed, the services of such temporary men became superfluous; it took

three years from 1944 to 1947 to construct this factory, and it has been the claim of the company in this Reference that it should be granted leave to retrench all personnel over the number of 1,563, which means that something like 700 persons had been engaged in what must be regarded as purely temporary occupation. We, therefore, make it clear that the direction of the Adjudicator under Issue 18 to the effect that temporary men having continuous service of not less than one year should be treated as permanent employees has application only to the temporary persons working in permanent posts; a distinction must necessarily be made between temporary employment in a permanent job and a temporary employment in a temporary job. When the Adjudicator states that the lowest wage for a temporary employee should be raised to Re. 1 with dearness allowance of 50 per cent. of the same, he must be deemed to refer to the temporary employees in temporary jobs; but we are unable to give retrospective effect to this increase. These men, in number about 700, have been surplus from 1947-48, and have resisted retrenchment, with the result that the company has had to wastefully expend some six lacs of rupees in a year on their upkeep. That the claim to retrench is well founded will appear from our decision on Issue 33; and in these circumstances it would be wrong for us to give them any retrospective effect of the benefits of this award. There is another rectification required. It would appear from his decision under Issue 40 that the learned Adjudicator feels that the advances in wages which he has given should be paid only if the financial condition of the company in any year justifies it, and he indicates that if the profits for 1950 fall below the profits earned in 1949, there will have to be proportionate deduction in the payment of the increases. This condition is, in our opinion, clearly untenable. Basic wage and dearness allowance when fixed are applicable whether there are profits or no profits. If the company's financial position at any future time demands a reconsideration of the wage structure, that is quite another matter. But it is not permissible to give a basic wage scale and at the same time impose a condition that it should fluctuate with any reduction in the company's profits. We therefore direct that the award of the learned Adjudicator shall be read subject to the rectifications and clarifications herein made.

8. Issue 17.—The employees have objected to the management giving some of their work on contract as being prejudicial to the interests of labour. It is true that in the interests of labour itself it is desirable that workmen should be directly under the management rather than under a contractor who may or may not pay the labour under him a fair wage. There are, however, certain items of work for which the management desires to continue the system of contract labour. For instance, besides the cafeteria within the factory, there is a canteen in the colony area which has been given on contract. We do not think that it would be fair to burden the management with the direct supervision of this canteen. It had been suggested that the employees should take over and manage this concern, but a statement was filed later that they were unwilling to do so. We, therefore, allow the management to run the canteen in the colony area through a contractor. Then there is the question of operating the Nanjummel pontoon bridge, on which one man is always in attendance. This bridge had been constructed by the management for the use of the factory, but it is used by the public and is about to be taken over by the Government. It is at a distance from the factory, and we do not think it fair to expect the management to utilise its own supervisory staff for the proper operation of the bridge. We allow the management to continue the system hitherto adopted for looking after this bridge. As regards the stencilling on Super-phosphate bags and for stitching Ammonium Sulphate bags before filling, the management is prepared to have this done by the factory labour. But the management wishes to continue contract labour for bagging of Super-phosphates on the ground that this bagging has to be done only when it is necessary to meet a demand; we allow the management to do so. There is an important item under this issue to which our attention has been drawn by the company. It refers to the transport of material from steamers at Cochin to the factory; the learned Tribunal stated that it was not shown why employees in the transport section should not be asked to do that work by suitable increase in their number, and he has ordered that it should be so done. The management has raised this question in its appeal, and in our opinion the learned Adjudicator was in error in the view that he took. It was not disputed that, as stated by the management, between 20,000 and 25,000 tons of rock sulphate, and between 15,000 and 18,000 tons of sulphur, are imported annually from Morocco and the United States respectively for the normal working of this factory. These articles arrive in Cochin in ships which carry a normal load of about ten thousand tons. In order to

transport ten thousand tons in the short time within which a ship must unload its cargo, the services of all available lighters and barges in the region have to be requisitioned to transport the material to the factory as it is delivered from the ship. In other words, on about four occasions in the year a large fleet of lighters and barges belonging to contractors and others is required for this work; and we agree that it is quite impossible to expect the management to purchase and maintain such a large fleet of lighters and barges which would be required only for such periodical contingencies about four times in the year. We hold that the learned Adjudicator was in error in the order that he has made, and we allow the company to employ contract labour for the purpose of transporting its materials from Cochin or similar places to the factory. This disposes of the question of contract labour raised by Issue 17.

9. Issue 10.—Issue 10 relates to bonus. The employees claim an amount equivalent to one month's basic pay for the year 1947-48 and 1948-49. The learned Adjudicator found that no bonus was payable for 1947-48 and we see no reason to interfere with that decision. The financial year of the company is from 1st January to 31st December of the year. The experimental production started in 1947, and there were no profits during that year. In 1948 there was a loss of over 9 lacs of rupees. As there were no profits during the period in question, no question of bonus can arise.

10. Issues 12 and 13.—Workmen claim that privilege leave which has been granted for 24 days should be extended to 1 month. The learned Adjudicator has considered this question and has come to the conclusion that having regard to the total leave available to the staff, 24 days' privilege leave is sufficient, and we see no reason to interfere with that portion of the award. Under these two issues, a question has arisen as to whether leave provisions should extend to the temporary employees. Under the Standing Orders "temporary" workman is one who has been engaged for work which is essentially of a temporary nature, likely to finish within a limited period, whose service may be terminated without notice at the discretion of the management and includes one working in the construction department of the company. The learned Adjudicator has held that such an employee should be treated on a par with permanent worker and there should not be in fairness any difference between the two in their right to get leave. We accept that view subject to this condition. Leave shall accrue due to a temporary employee from the last date from which he has been continuously in the employ of the company.

11. Issue 23.—This is a claim that the employees of the Sanitary Department should be provided with gloves and an extra towel. No particulars have been given and no case has been made out for giving these extra things to the employees who already get shirts and shorts every year. The learned Adjudicator has rightly refused this claim.

12. Issue 31.—This issue relates to the reinstatement of Shri T. M. Job who was a turner in the workshop. The charge against him was that he removed two spindles from the workshop in August 1948 and concealed them under the tarpaulin in the carpenter's temporary shed close by. On or about 7th August Shri O. J. Jacob the foreman received certain private information about this from one of the workshop men. On 9th August the carpenter's shed was dismantled and the tarpaulin was removed and the spindles were found. The carpenter was questioned about the spindles but denied having seen them. The matter was reported to the Garage Supervisor Mr. Gobral and the carpenter was questioned in his presence. The carpenter confessed that he had been asked by Shri T. M. Job to remove the spindle and keep them aside. Job was questioned next and to start with he made denials. He was then told that the matter would be serious if he did not tell the truth, and Job admitted that he did it with a view to taking the spindles away. Two others in authority interviewed Job in this connection and he confessed to them also. He produced the spindles as required but refused to give a statement in writing. The foreman sent Job to Shri K. A. Menon the Assistant Superintendent with an informal memo. (Ex. XIX), dated the 10th August 1948 which sets out the above particulars.

13. Shri K. A. Menon questioned Job with reference to Ex. XIX and Job stated that he saw the spindles being taken to salvage by the carpenter working near the garage and he took them from him with the idea of taking them for his domestic use. Shri Menon questioned him on the basis of Exhibit XIX and Job admitted that he had actually taken them from the workshop rack and kept them in the carpenter's temporary shed by the side of the workshop. He also admitted having hidden the

articles with the intention of taking them home. Shri Menon sent an office memo. to the management (Ex. XVIII) which reads thus :—

"Subject :—Theft of vice spindles.

Reference : Attached I.M., dated 10th August 1948 from W/Shops.

I questioned Mr. T. M. Job in connection with the attached statement. He told me that he saw the items going to be taken to the salvage by the carpenter working near the Garage and so he took the same from him with the idea of taking the things out for his domestic use. However, when I cross-questioned him, he told me that he had actually taken them from the Workshop's rack and kept them in the carpenter's temporary shed by the side of the Smithy shop.

Thus he admits definitely having hidden the things with the intention of taking them home.

Please advise action to be taken in this matter".

14. On 12th August the management's representative Shri K. A. Varugis sent for and demanded Job's explanation. Job gave him a written statement (Ex. A) which reads as follows :—

"I saw a vice spindle being taken out of the carpenter's shed near the workshop for salvage. I took it and kept it safely for my own purpose in the workshop. This the foreman wanted. I gave it to the foreman. The report in this connection is on account of the ill feeling towards me before".

Job admitted to Shri Varugis that he took the spindle for taking it home, and his only plea was that the article was about to be thrown into salvage. He was asked whether he was aware that he was doing a wrong and he admitted he was. It was a simple case of theft, and the President of the workers' Union was consulted in accordance with the agreed procedure. The President took time, and gave his concurrence the next day to the termination of Job's services. Ex. XVI the termination notice was sent to the "personnel" department, and the Employment Officer sent a letter Ex. XVII to Job informing him that his services had been terminated from 16th August 1948 due to "theft".

15. Shri K. A. Menon and Shri K. A. Varugis were examined before the Adjudicator as E.Ws.1 and 5 respectively, and the normal procedure with regard to unwanted articles was elicited in their cross-examination. According to them such articles are sent to the salvage department where a committee would inspect them and decide whether any of them should be taken into stock according to the requirements of Departmental Heads. Thereafter notices would be put up regarding the disposal of the other articles. No employee could purchase any article until it was certified by the commercial department and notified as such.

16. Shri Job was examined as W.W.6 earlier, and he stated that he took one vice spindle found in the carpenter's shed to the workshop as he wanted to purchase it. According to him, when articles are about to be set apart as unwanted, workmen desiring to purchase them have to inform the commercial section. Someone from that section would inspect the articles and sell them to the workmen if they are not required for the company. Purchase of such articles could also be arranged through the Departmental Head.

17. The Adjudicator believed the case of the management that Job removed the spindle from the workshop to the carpenter's shed and that Job himself had admitted the impropriety of the act to E.Ws.1 and 5; but the Adjudicator states that no record had been brought to his notice to show the existence of any provision to follow the procedure for the sale or purchase of articles belonging to the company; that the article removed did not appear to be of any appreciable value and Job had a good record though his sense of right and wrong was not of a high order, that the real motive of Job in removing the spindle to purchase it could not in the circumstances of the case be ruled out as impossible. Hence, the learned Adjudicator concluded, it was a wrongful act which deserved some punishment but not the extreme punishment of dismissal from service; that his being out of work since termination of service had itself been a punishment and the ends of justice would be met if the intervening period was treated as one of suspension and he was reinstated on his submitting a written apology for his wrong act and undertaking to guarantee his future good conduct.

18. We have heard counsel on both sides on this question and have considered the entire evidence on the

subject. The Adjudicator in our opinion failed to draw the correct inference from the facts placed before him, and his conclusion that Job had done a wrongful act which was not theft is in our view perverse. The case of the management that Job removed the article from the workshop to the carpenter's shed was believed, and the normal procedure with regard to the disposal of unwanted articles was elicited in the cross-examination of Shri Menon and Shri Varugis; their *bona fides* were not questioned, nor was it suggested that their evidence on the point was incorrect; thus no question arose about production of records to prove the procedure to which they had sworn. No reason was suggested, or could be advanced in argument, for doubting the evidence of Shri Menon and Shri Varugis. It was not Job's case that the article had been declared salvage and the decision to terminate his services was taken with the concurrence of the President of the Union in accordance with the agreement between the management and the Union. To our mind it was a simple case of theft, and it is difficult to follow the finding of the Adjudicator. There was no suggestion of victimisation, unfair labour practice or ulterior motive for the dismissal, and the finding of the Adjudicator cannot be sustained.

19. No doubt dismissal is a serious step to take; but as has been pressed before us by the management, if an act of this sort is condoned or met with a lesser punishment, the effect on discipline would be unfortunate. In a big concern like this, where articles of every day use are always lying about, it is necessary to apply a standard code to conduct where leniency might be gravely misunderstood. As we are of the opinion that Shri Job was guilty of theft, we must take an appropriate view of the position. Normally a charge of theft duly proved would be followed by dismissal; and we see no reason in Shri Job's case to depart from that practice; and indeed the dismissal has had the approval of the President of the Union. The learned Adjudicator's decision is therefore reversed, and the claim for reinstatement is disallowed.

20. Issue 34.—This issue deals with the claim of one Shri E. M. Appukuttan Nair, a senior operator, who was discharged from service. It appears that a meeting of the employees had been arranged to take place in the evening of 10th January 1949 at a spot about a mile away from the factory, and the employees were to collect at the factory gate and start in a procession at 4 P.M. The President of the Union was away at that time, and Shri Nair who was the Secretary decided to control the procession and conduct the meeting. With that object in view, he applied to the management at 2-30 P.M. on that day for half an hour's leave before the termination of his shift, that is, he wished to leave at 3-30 P.M. It is in dispute as to whether he applied at 2-30 P.M. or earlier in the day, but we are satisfied on the evidence that he did not apply before 2-30 P.M. The management were unable to find any substitute to take his place, and Shri Nair was unable to bring anybody who would do his work for the half hour, although it was the usual practice in the factory that if an employee desired leave during a shift he should endeavour to get a substitute. Leave was therefore not granted to Shri Nair. Shri Nair thereupon decided to leave the factory at 3-30 P.M. without leave, and forced his way past the guard and left the factory. The learned Adjudicator says that there was no necessity for Shri Nair to take leave at 3-30 P.M. as the procession was not likely to start at 4 P.M.; that he applied for leave only an hour before the leave was to be taken; that he could himself have arranged for a suitable substitute and taken him to act in his place but did not care to do so; he could have made an attempt to get another operator called Shri Nambiar by telephoning to him, but that also he declined to do. Two days previously he had threatened to leave his duty when he asked for leave and that leave was refused; and on the 10th he translated that threat into action. The learned Adjudicator has found that the attitude of Shri Nair indicated by his answers and his conduct showed a contempt of prevailing rules, a disrespect of the authority, indifference to the work of the factory and a general affront to the management, and he held that he rightly deserved the termination of his services. We have no doubt that the learned Adjudicator was right in the view that he took. We are inclined to think that being the Secretary of the Union, Shri Nair thought that he could do just what he liked. In fact the day after his suspension he in his capacity as Secretary of the Union protested against his own suspension and demanded that the same be withdrawn, threatening to launch the Committee's programme of action in case the order of suspension against him was not cancelled. The management proceeded with the enquiry and terminated his service, and the management it was

justified in the action which it took. We see no grounds for interference.

21. *Issue No. 24.*—Issue No. 24 relates to the provision of uniforms for vehicle drivers and the Adjudicator has said, "I think that it will be desirable and in the fitness of things if the vehicle drivers are provided with the necessary number of uniforms. I find accordingly." The representatives of the workmen have suggested that the finding of the learned Adjudicator is not sufficiently definite. We think that the learned Adjudicator clearly intended to order the grant of suitable uniforms to the vehicle drivers.

22. *Issue No. 33.*—The last issue to be considered is issue 33. It relates to the question of retrenchment. The management contends that the labour force necessary for this undertaking should not exceed 1563 hands. Of these 665 would be operational personnel, 649 other than operational, 13 an allowable addition, and 34 for the canteen. At present there are over 2200 workmen on the rolls of the company. As we have said before, the construction of the factory started in 1944 and the stage of experimental production was reached towards the middle of 1947; commercial production started on 1st August 1948. It is natural that for the construction work a certain labour force was required which normally must be regarded as temporary depending on the completion of the construction work. The temporary employees on becoming surplus to requirements could, of course, wherever possible, be absorbed into the personnel required for the subsequent running of the factory. In this case the excess labour force which had been required for construction work and whose legitimate work had come to an end by the middle of 1947 or thereabouts refused to be retrenched, and the management have been obliged to keep them and pay them their salaries, even though they were surplus, as the management wished to avoid any precipitate step and preferred that the matter be determined by a Tribunal. The number of such persons whom the management seeks to retrench is something over 650, being that portion of the labour force in excess of 1563 which is considered to be the proper labour strength for the factory. The learned Adjudicator has found that there is necessity to retrench 600 persons and he has given permission accordingly. The employers as well as the workmen have appealed before us against that order. The employees have not claimed that there should be no retrenchment, and in fact their learned Counsel has not attempted to question the reasoning of the learned Adjudicator below or the facts and materials upon which his decision was based. All that learned Counsel for the employees pressed before us was a request that a fresh committee should be appointed to examine this question of retrenchment and decide how many workmen were liable to be retrenched. We do not think that such a course is necessary or desirable in the view that we have taken of the matter. It is not disputed that it is for the management to determine the labour force which is required for a particular undertaking, provided that the management does not reduce the labour force to such an extent that it imposes a burden on the working employees which they cannot be reasonably expected to bear. That retrenchment in this concern is necessary cannot be disputed, and it is now a question of the number to be retrenched. The Secretary of the Union on the 1st December 1947 wrote to the management in the following terms :—(Ex. 15)

"I have the honour to place for your esteemed consideration the following suggestions from the Grievances Sub-Committee of the Association, regarding the imminent retrenchment programme.

The Committee knows fully well that quite a large number of the present temporary staff will have to go pretty soon. All the same it feels that the following points must be taken into consideration in connection with the retrenchment of personnel.

1. Permanent vacancies have to be filled up from the ranks of the present temporary employees. In doing so, persons having longer service and belonging to Travancore State are to be preferred. No new-comer is to be entertained within the limits of practicality.

2. Among the temporary employees, persons with lesser service and belonging to outside, to be retrenched first.

The Committee strongly feels that the custom of keeping a high labour turnover, as has been the practice hitherto is injurious to the progress of this factory.

Hoping, always, to settle all outstanding problems by mutual discussion".

It is therefore apparent that the retrenchment which admittedly should have taken place at the end of 1947 has been delayed for three years at a cost of about 6 lakhs of rupees a year to the company.

23. The management's conclusion that a personnel of 1563 employees is required for this factory has been reached after an exhaustive and careful consideration. At first the Board of Directors appointed a Committee to go into the question of retrenchment and that Committee submitted its report in February 1949. The management also had the advantage of a chart prepared by one Mr. Van Ness to indicate the total strength required for operational work. Mr. Van Ness is a highly qualified and experienced Engineer, who joined the company as its General Superintendent in 1946 while the work of construction was in progress. He had had 24 years' experience in the United States, and it was he who commenced and worked the commercial production of this concern. The chart was prepared by him in consultation with the Superintendents of various departments of the factory, including Shri Kasthuri Rangan, the present General Superintendent. Mr. Van Ness has returned to America, but we have his clear views on a subject on which he was undoubtedly an expert. The chart was not prepared in any haphazard fashion, but was based on his experience in the actual working of this factory under conditions of experimental and commercial production. According to Mr. Ness the total labour force in the factory ought not to exceed 1563. Mr. Van Ness was succeeded as General Superintendent by one Dr. Bayer, another able Chemical Engineer, who approved of the chart prepared by Mr. Van Ness, but thought that the personnel required could be reduced. Dr. Bayer has also left the services of the company. Mr. Van Ness's chart was sent for suggestions to Mr. T. H. Riley, who was a member of the Cowing Commission and on whose suggestions the construction of the Sindhri Fertiliser Project was started; Mr. Riley is at present in charge of that project; Mr. Riley has given his opinion in the following terms :—

"On studying the chart more closely, I find that the superphosphate section requires 43 people plus 6 relief. I also find that in various sections a total of 33 more people are allowed for under relief, and there is a note that 'ultimately all relief personnel will be consolidated into a Common Helper Pool'. At the same time it appears that for each grade of foreman and skilled operator, provision is made for more than the net requirements of 3 shift working, so that basically the number of people required to operate the factory is 768. I am not overlooking the fact that some allowance has to be made to take care of sickness and leave. This number is 10 to 15 per cent. more than I would have thought necessary for a factory of this size. This cannot be considered any essential difference of opinion, in fact having spent only two or three hours in the factory, I would consider it presumptuous on my part to criticise the chart set up by Mr. Van Ness who, after all has spent several years actually operating the plant, and has come to realise its problems, and therefore I only wish my remarks to be taken as comments."

24. The learned Adjudicator, before deciding as to how many of the personnel ought to be retrenched, should have determined the labour force which he considered necessary for this factory, instead of saying as he did that : "On a consideration of all the facts and circumstances relevant in this connection the impression formed in my mind is that there is necessity to retrench only six hundred persons". The company has had expert technical advice of persons intimately connected with this class of work, and in the case of Mr. Van Ness and Dr. Bayer they had the special advantage of being in general superintendence of the factory while it was actually in operation. It cannot be said that they had any preconceived views on the subject, for we have also the opinion of Mr. Riley, and that opinion is equally authoritative, to the effect that the labour force could be reduced below the figures given by Mr. Van Ness. We cannot but accept such expert evidence, and we take the view that it has been established that this factory requires a labour force of 1563, and no advantage could be gained by the appointment of another committee of experts or laymen to decide this question. We therefore grant permission to the management to retrench the surplus personnel beyond 1563 as stated above. We realise that retrenchment of the whole surplus staff will not be immediate, and we give permission to the management to reduce the staff to that level as it suits them.

25. As regards the conditions of retrenchment as appearing in paragraph 51 of the award, we think that the usual conditions and none others should apply on such retrenchment, namely, (1) that the principle of 'last come first go' should be followed and (2) that if there is fresh recruitment and suitable retrenched employees are available they should be given priority, the older hands being first taken into service. We do not favour the idea that upon re-employment the services of the retrenched personnel before retrenchment and after re-employment should be treated as continuous for the purpose of seniority, for this would have a prejudicial effect upon the permanent staff. We have no doubt that the management as at present constituted is solicitous of the welfare of its employees and will do everything it can to rehabilitate retrenched personnel, and therefore no particular directions from us in that behalf are necessary. We are unable to award retrenchment relief as the personnel to be retrenched have managed to resist retrenchment from early 1948 at heavy cost to the company.

26. The appeals before us are allowed to the extent stated above and are otherwise dismissed. No order as to costs.

K. P. LAKSHMANA RAO.

President.

F. JEEJEEBHoy.

Member.

Appeal (Bom.) No. 51 of 1951

The Binny Beach Engineering Workers' Union, Madras

Appellants.

versus

The Management of Messrs. Binny's Engineering Works Ltd., Madras.

Respondents.

Appeal (Bom.) No. 52 of 1951

The Binny Employees' Union represented by the Secretary Sr. C. Govindarajulu, No. 166 Linga Chetty Street, Madras.

Appellants.

versus

The Management of Messrs. Binny's Engineering Works Ltd., Madras.

Respondents.

In the matter of appeals against the award of the First Industrial Tribunal (Sri A. M. Davidar) Madras, dated the 16th January 1951 in Industrial dispute No. 3 of 1950.

The 2nd day of May 1951

Present :

Mr. K. P. Lakshmana Rao—*President.*

Mr. F. Jeejeebhoy—*Member.*

Appearances :

For the Appellants in Appeal (Bom.) No. 51/51 :

Sri T. A. Anantha Aiyar, Advocate, with Sri R. Dandapani, Advocate and Sri R. Antoniswami, Secretary, The Binny Beach Engineering Workers Union.

For the Appellants in Appeal (Bom.) No. 52/51 :

Sri R. Dandapani, Advocate with Sri C. Govindarajulu, General Secretary, The Binny Employees' Union.

For the Respondents in Appeals (Bom.) 51 and 52 of 1951.

Mr. A. S. Jeffares of Messrs. King and Patridge, Solicitors with Messrs. F.F.G. Hunter and P.R.D. Carmichael.

State.—Madras.

Industry.—Engineering.

DECISION

These are appeals against an award of the First Industrial Tribunal, Madras, concerning a question of leave. The principal issue was this :

"Are the workmen entitled to four days' privilege leave in addition to the leave with wages under section 79 of the Factories Act of 1948?"

2. In paragraphs 5 and 6 of the award the learned Adjudicator has stated the background to this question. The Factories Act of 1934 made no provision for any other kind of leave except the weekly holiday. The Factories (Amendment) Act of 1945, however, provided that every worker shall be allowed a period of 10 days

with pay after every year of service with a right to carry forward any such earned leave to the succeeding year. As and from 1946 the employees of this concern, then known as The Binny Beach Engineering Works, and now known as Binny's Engineering Works Ltd., Madras, had been given 10 days holidays with pay and dearness allowance and six days casual leave with dearness only. At the end of 1946 the employees made demands for increased leave facilities and the dispute was referred to adjudication. By the award which followed the employees were given 14 days leave with pay. When the new Factories Act of 1948 came into operation, under section 79 of the Act an employee earned a holiday with pay for every 20 days of work performed by him during the prior period of 12 months, subject to a minimum of 10 days.

3. The employees contend that they are entitled to the benefit of section 79 of the Factories Act of 1948 plus an additional four days which they claim had been allowed to them by the prior award, irrespective of enactment. On the other hand the management contends that the employees are entitled to earn all the leave that they can under section 79 of the Act subject to a minimum of not only 10 days as provided by the new Act, but a minimum of 14 days as had been available to the workmen until the 1948 Act came into force. In other words the employees contend that the four extra days allowed to them by a prior award is something separate and distinct, preserved to them as an addition to anything that any enactment may give them; the management on the other hand have taken the view that there is nothing separate or distinctive about these 4 days leave and that it forms part of the total leave of 14 days which had been given.

4. The learned Adjudicator has found that the workmen are not entitled to 4 days privilege leave in addition to the leave with wages under section 79 of the Factories Act, and that the rights of the workmen regarding privilege leave have not been prejudiced by the company's leave rules. We see no reason to differ from this decision.

5. The award of 14th March 1947, which allows privilege leave with pay and dearness allowance for 14 days in every year, was by order of the Government of Madras to remain in force for a period of one year in the first instance and to thereafter remain in force subject to such modifications as might be imposed for such period as the Provincial Government might specify.

6. Section 78 of the Factories Act of 1948 provides that Chapter VIII shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement or contract of service; provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in Chapter VIII workers shall be entitled only to such longer leave. It is contended before us that the Factories Act of 1945 which in the first instance allowed 10 days leave with pay, and the Factories Act of 1948 which increased that leave to a holiday with pay for every 20 days of work subject to a minimum of 10 days, had as their objective the improvement of the leave conditions of employees, and it has been urged before us that since an additional 4 days had been given by means of an award, such 4 days leave must be regarded as something separate and distinct to be added to any leave given by enactment. This argument is negated by the very language of section 78 of the Factories Act of 1948 where it is clearly stated that where by award, agreement or contract of service a longer leave with wages has been given than is provided in the Act, the worker would be entitled to such longer leave. In order to succeed in their contention the employees must establish that by award, agreement or contract of service they were entitled to have 4 days added to any statutory minimum which may have been granted. No such award, agreement or contract of service has been established and to our mind it is clear that the 4 days extra leave were part and parcel of the 14 days privilege leave to which the employees had become entitled in the terms of the award. It must be appreciated that enactments like the Factories Act are intended to improve the lot of labour, and they provide *inter alia* for the minimum which the employee should receive. It would be contrary to principle if an employer who gave more in the first instance should be prejudiced by such enactment in the manner claimed by the employees before us.

7. An attempt was made to read into the language of the Standing Orders an intention that this 4 days leave was considered apart from the rest; this aspect has been fully considered by the learned Adjudicator below. In our view reference to the Standing Orders in this context is irrelevant as Standing Orders are primarily

a record of the conditions of service applicable to the workmen as fixed by the terms of service or agreement of parties or by operation of awards.

In the result the appeals are dismissed. No order as to costs.

K. P. LAKSHMANA RAO,
President.
F. JEEJEEBHOO,
Member.

DIRECTORATE GENERAL OF SUPPLIES & DISPOSALS

NOTIFICATIONS

New Delhi, the 12th September 1951

No. A-12/14(309)/DGS&D.—In continuation of this office Notification No. A-12/14(309)/DGS&D dated the 13th August, 1951, Mr. B. L. Chopra, an Ordnance Officer (Civilian) in the U.S.A. S.S. Organisation, Calcutta has been granted extension of earned leave for 21 days from the 19th August, 1951 with permission to suffix Sunday, the 9th September, 1951 to his leave.

The 14th September 1951

No. 657.—In continuation of this Directorate General's Notification No. 649, dated the 2nd July 1951, Mr. D. V. Gogte, Assistant Inspecting Officer (Tax) in the Directorate General of Supplies & Disposals at Bombay has been granted an extension of leave on average pay on Medical Certificate for 2 months and 30 days from 29th June 1951 to 27th September 1951.

No. 658.—Mr. B. N. Mitra, Assistant Inspecting Officer (Engg.) in the Directorate General of Supplies and Disposals at Calcutta was granted leave on average pay from 3rd July 1951 to 1st September 1951 with permission to suffix Sunday on 2nd September 1951 to the leave.

SHIV CHARAN SINGH,
Director (Administration & Co-ordination)
for *Director General of Supplies & Disposals.*

GEOLOGICAL SURVEY OF INDIA

NOTIFICATION

Calcutta-13, the 8th September 1951

No. 12198/1556(3).—Mr. V. P. Sondhi, Superintending Geologist, Geological Survey of India, is granted leave on average pay for 20 (Twenty) days with effect from the forenoon of the 15th June 1951.

He is likely to resume his duties at Calcutta whence he has proceeded on leave.

Dr. M. S. KRISHNAN,
Director,
Geological Survey of India.

MILITARY ACCOUNTS DEPARTMENT

NOTIFICATIONS

New Delhi, the 8th September 1951

No. 7170/4/An.—Shri Amar Nath Bedi, a permanent Deputy Assistant Controller of Military Accounts, in the office of the Controller of Military Accounts (Pensions), Allahabad, has been granted privilege leave from 13th August 1951 to 1st September 1951.

No. 7170/5/An.—Shri Gobind Ram Chadha, a temporary Deputy Assistant Controller of Military Accounts in the office of the Controller of Military Accounts (Pensions), Allahabad, has been granted privilege leave from 19th August 1951 to 1st September 1951 in extension of leave granted to him in this Department Notification No. 6253/67/A.N., dated 5th July 1951.

No. 6708/28/An.—Shri S. B. Rawal, ex-State Officer attached to the office of the Controller of Military Accounts, Western Command, Meerut, was granted privilege leave from 8th May 1950 to 19th May 1950.

No. 6707/14/An.—Shri P. N. Sethi, a temporary Deputy Assistant Controller of Military Accounts, in the office of the Controller of Military Accounts, Eastern Command, Meerut, has been granted privilege leave from 20th June 1951 to 20th August 1951.

No. 6712/24/An.—Shri B. M. Rasam, an officiating Deputy Assistant Controller of Military Accounts, in the

office of the Field Controller of Military Accounts (O&CH), Poona, has been granted privilege leave from 19th August 1951 to 8th September 1951 (both days inclusive) in extension of the leave granted to him in this Department Notification No. 6712/22/An., dated 5th July 1951.

No. 7185/4/An.—The undermentioned permanent Accountants in the office of the Field Controller of Military Accounts (ORs), Secunderabad, have been appointed until further orders, to officiate as Deputy Assistant Controllers in that office with effect from the dates shown against each:—

Shri Gyan Chand Malhotra—27th July 1951 (F.N.).

Shri Dev Raj—1st August 1951 (F.N.).

Shri Kirpal Singh Gill—1st August 1951 (F.N.).

No. 7185/5/An.—The undermentioned officers in the office of the Field Controller of Military Accounts (ORs), Secunderabad have been granted leave as shown against each:—

Shri Gopal Chandra D.A.C.M.A. (Permanent)—
Privilege leave for two months from 1st August 1951 (F.N.).

Shri Sarban Singh, D.A.C.M.A. (Temporary)—
Privilege leave for one month and ten days from 1st August 1951.

Shri K. P. Dutt, D.A.C.M.A. (Temporary)—
Privilege leave for two months from 27th July 1951.

Shri Jaswant Lal Luthra D.A.C.M.A. (Officiating)—
Privilege leave for one month and eleven days from 1st August 1951.

Shri S. Natarajan, D.A.C.M.A. (Officiating)—
Privilege leave for 2 months and one day from 10th July 1951 (F.N.).

R. JAGANNATHAN,
Military Accountant General.

DIRECTORATE GENERAL, ALL INDIA RADIO

NOTIFICATIONS

New Delhi, the 14th September 1951

No. 10(86)A/51.—Mr. A. S. Theodore, Officiating Assistant Station Director, All India Radio, Tiruchirappalli, was transferred to officiate as Instructor (Programmes), Staff Training Unit, Directorate General, All India Radio, New Delhi, where he took over charge on the 4th September, 1951.

The 15th September 1951

No. 1(80)-SH/51.—Mrs. Vidya Dutt, Officiating Reference Officer, News Services Division, is appointed to officiate as Assistant News Editor, News Services Division, All India Radio, with effect from the 22nd August, 1951.

S. BANERJEE,
Deputy Director of Administration,
for *Director General, All India Radio.*

CENTRAL TRACTOR ORGANISATION

NOTIFICATION

New Delhi, the 11th September 1951

No. F.3-63/51-E.I.—Dr. K. C. Chadha, Assistant Surgeon, Central Tractor Organisation, Bairagarh, (Bhopal) is hereby granted two days' earned leave for 18th and 19th June, 1951, with permission to prefix the 17th June, 1951 (Sunday) to his leave.

P. N. BHANDARI,
Chairman.

INDIAN AGRICULTURAL RESEARCH INSTITUTE

NOTIFICATION

New Delhi, the 14th September 1951

No. 20500.—Dr. F. H. Abbasi, Assistant Geneticist, is granted extension of earned leave for 2 days from 5th October 1951 to 6th October 1951 with permission to suffix holidays from 7th October 1951 to 10th October 1951 to the leave, in continuation of the leave already granted to him in this office notification No. F. 7/17202, dated the 9th August 1951.

B. P. PAL,
Director.

**DIRECTORATE OF PLANT PROTECTION,
QUARANTINE & STORAGE****NOTIFICATION***New Delhi, the 11th September 1951*

No. 16(80)/51-G.—Mr. A. B. Mathur, B.Sc., Superintendent in the Ministry of Food and Agriculture is appointed to officiate as Administrative Officer, Directorate of Plant Protection, Quarantine & Storage, New Delhi with effect from the afternoon of the 6th September 1951 vice Bawa Jaswant Singh granted leave.

*Plant Protection Adviser.***INDIAN VETERINARY RESEARCH INSTITUTE,****NOTIFICATION***Izatnagar, the 11th September 1951*

No. 8871-73/G.—Dr. T. S. Krishnan, M.Sc., Ph.D., officiating Research Officer (Protozoology), Poultry Research Section, Indian Veterinary Research Institute, Izatnagar, was granted leave on average pay for one month and three days from the 7th May, 1951, to the 9th June, 1951, with permission to prefix and affix Sundays on the 6th May, 1951 and 10th June, 1951.

S. DATTA,
Director.

**INDIAN POSTS AND TELEGRAPHS DEPARTMENT
Directorate-General of Posts and Telegraphs****NOTIFICATIONS***New Delhi, the 12th September 1951*

No. SPA.78-6/51.—The following officiating Superintendents of Post offices and Railway Mail Service, are confirmed in the Postal Superintendents' Service, Class II, with effect from the dates mentioned against them :—

Shri N. Subramaniam—16th April, 1951.

Shri P. D. Ganguly—16th July, 1951.

The following officiating Superintendents of Post offices and Railway Mail Service, are appointed substantively, on a provisional basis, to the Postal Superintendents' Service, Class II, with effect from the 16th July, 1951.

Shri Gursaran Singh.

Shri Mohd. Hanif.

The 14th September 1951

No. STA. 158-1/50.—Mr. K. K. Advani, Deputy Director, Telegraph Traffic Bombay is granted an extension of leave on average pay for two months with effect from the 3rd September 1951.

KRISHNA PRASADA,
*Director General,
Posts and Telegraphs.*

**OFFICE OF THE DIRECTOR GENERAL OF CIVIL
AVIATION****NOTIFICATIONS***New Delhi, the 12th September 1951*

No. E(C)15-10(v)/51.—On return from leave, Mr. N. R. Swami, resumed charge of his duties as officiating Assistant Technical Officer in the Radio Construction Unit, New Delhi, on the 3rd September, 1951 (forenoon).

No. E(C)15-10(v)/51(I).—Mr. M. Krishnamoorthy, Assistant Technical Officer, Civil Aviation Training Centre, Allahabad, has been granted earned leave for 60 days with effect from the 1st August, 1951, with permission to suffix Sunday, the 30th September, 1951, to his leave.

No. E(C)15-10(v)/51(II).—Mr. T. S. Perumal, Assistant Technical Officer, Civil Aviation Training Centre, Allahabad, was granted earned leave for 21 days with effect from 18th August, 1951, with permission to prefix closed holiday on the 15th August, 1951, to his leave.

The 14th September 1951

No. EH. 15-11/51.—Shri S. Ramamritham, Senior Scientific Officer, Civil Aviation Directorate, New Delhi, was granted earned leave for eighteen days with effect from the 18th July, 1951, with permission to affix Sunday, the 5th August, 1951 to his leave.

D. CHAKRAVERTI,
Offg. Director General of Civil Aviation.

FOREST RESEARCH INSTITUTE & COLLEGES**NOTIFICATION***Dehra Dun, the 14th September 1951*

No. 11042/51-Ests-23(2).—On return from leave Dr. R. N. Mathur is reposted to work as Systematic Entomologist, Forest Research Institute, Dehra Dun, with effect from the 6th September, 1951.

C. R. RANGANATHAN,
*President,
Forest Research Institute & Colleges.*

CENTRAL EXCISE COLLECTORATE**NOTIFICATIONS***Hyderabad, the 8th September 1951*

No. 9.—Shri A. K. Raghavendra Rao, Officiating Superintendent of Central Excise, Tumkur Circle, is granted privilege leave for two days from the 2nd July 1951 to 3rd July, 1951.

On return from leave Shri A. K. Raghavendra Rao, rejoined the Tumkur Circle on the forenoon of the 4th July, 1951.

C. B. PHILLIPS,
*Collector of Central Excise,
Hyderabad & Mysore, Hyderabad (Deccan).*

Allahabad, the 14th September 1951

No. 16.—Shri B. N. Vajpeyi, a temporary Superintendent of Central Excise, on return from the Directorate of Inspection, Customs and Central Excise, Simla, is posted to the Collectorate Headquarters Office, Allahabad as Examiner of Central Excise, Accounts, with effect from the 29th August 1951 (Forenoon).

S. C. SATYAWADI,
Collector.

CENTRAL PUBLIC WORKS DEPARTMENT**NOTIFICATIONS***New Delhi, the 27th August 1951*

(To be substituted for this Office Notification bearing the same number and date)

No. 03045-EI.—Shri R. G. Pradhan, Assistant Engineer, attached to the Development Division, New Delhi, was granted leave on average pay for 1 month with effect from the 10th August 1951.

The 10th September 1951

No. 02087-EIV.—Shri H. L. Dutt officiating Assistant Engineer (Electrical) Class II, is granted extra-ordinary leave without pay and allowances for 30 (Thirty) days with effect from 1st September 1951 in continuation of the extra-ordinary leave without pay and allowances, granted vide this office Notification No. 02087-EIV, dated 20th July 1951.

The 15th September 1951

No. 06656-EI.—Shri N. Balasubramanian, Assistant Engineer, attached to the Development Division, New Delhi, was granted earned leave for 15 days from 23rd July 1951 to 6th August 1951.

B. S. PURI,
Chief Engineer.

MEMORANDUM*New Delhi, the 10th September 1951*

No. 04537-E/CAW.—Shri Y. S. Moorthy, Assistant Engineer, attached to Calcutta Aviation Division No. I, Calcutta has been granted earned leave for 45 days with effect from 27th July, 1950 F.N. to 9th September, 1950 A.N. under Revised Leave Rules, 1933.

M. S. MATHUR,
Chief Engineer (Avn).

INCOME-TAX APPELLATE TRIBUNAL**NOTIFICATION***Bombay, the 10th September 1951*

No. 8A.T/51.—In pursuance of sub-section (8) of section 5A of the Indian Income-tax Act, 1922 (XI of 1922), the

Appellate Tribunal is pleased to direct that the following further amendment shall be made in the Appellate Tribunal Rules, 1946, published in its notification dated the 31st October 1946, namely :—

For the existing rule 16 of the Rules, the following shall be substituted—

"16. In an appeal under sub-section (2) of section 33, a certified copy of the order of the Commissioner directing that an appeal be preferred, shall be appended to the memorandum of appeal."

By order of the Appellate Tribunal
A. N. SHAH,
President.

OFFICE OF THE COMMISSIONER OF INCOME-TAX

Delhi, the 8th September 1951

No. K-187(2)(a)15421.—In exercise of the powers conferred on me by sub-section (5) of section 5 of the Income-tax Act, 1922 (XI of 1922) I hereby direct that as from 7th September 1951, the I.T.Os mentioned in column I of the table below shall perform their functions in respect of all persons mentioned against them in column II of the said table :—

Column I.	Column II.
1. Principal Income-tax Officer, New Delhi.	All persons whose cases are specifically allotted to him u/s 5 (7A) of the Act.
2. Income-tax Officer, Companies Circle, New Delhi.	Do.
3. Income-tax Officer, 1st Companies Circle, New Delhi.	(i) All companies with their place or principal place of business, profession or vocation in Delhi State with last assessed income of Rs. 25,000/- or over as on 1-4-51 except those allotted u/s 5 (7A) to other I. T. Os. (ii) All persons whose cases are specifically allotted to him u/s 5 (7A) of the Act.
4. Addl. Income-tax Officer, 1st Companies Circle, New Delhi.	(i) All companies with their place or principal place of business, profession or vocation in Delhi State with last assessed income of below Rs. 25,000/- as on 1-4-51 except those allotted u/s 5 (7A) to other I.T.Os. (ii) All persons whose cases are specifically allotted to him u/s 5 (7A) of the Act. (iii) All new cases of companies with their place or principal place of business profession or vocation in Delhi State, except those allotted u/s 5 (7A) to other I.T.Os.
5. Income-tax Officer, Contractors Circle, New Delhi.	(i) All contractors, (including those of Union Government, State Governments, Railways & Local authorities) other than companies, with their place or principal place of business, profession or vocation in Delhi State and with their last assessed income of Rs. 25,000/- or over as on 1-4-51 except those whose cases are allotted under section 5 (7A) to other I.T.Os. (ii) All cases specifically allotted to him under section 5 (7A) of the Income-tax Act. (iii) All partners residing in Delhi State of firms included in (i) above except those whose cases are allotted under section 5 (7A) to other I.T.Os.
6. 1st Addl. Income-tax Officer, Contractors Circle, New Delhi.	(i) All contractors (including those of Union Govt., State Govts. Railways and local authorities), other than companies, with their place or principal place of business, profession or vocation in Delhi State and with their last assessed income between Rs. 10,000/- and Rs. 24,999/- (both inclusive) as on 1-4-51 except those whose cases are allotted u/s 5 (7A) to other I.T.Os. (ii) All new cases of contractors, other than companies, with their place or principal place of business, profession or vocation in Delhi State, except those allotted u/s 5 (7A) to other I.T.Os. (iii) All cases specifically allotted to him u/s 5 (7A) of the Act. (iv) All partners residing in Delhi State, of firms included in (i) and (ii) above except those whose cases are allotted u/s 5 (7A) to other I.T.Os.
7. 2nd Addl. Income-tax Officer, Contractors Circle, New Delhi.	(i) All contractors, other than companies, with their place or principal place of business, profession or vocation in Delhi State and with their last assessed income below Rs. 10,000/- as on 1-4-51, except those whose cases are allotted u/s 5 (7A) to other I.T.Os.

Column I.	Column II.
8. Income-tax Officer, Business Circle, New Delhi.	(i) All partners residing in Delhi State of firms included in (i) above, except those whose cases are allotted u/s 5 (7A) to other I.T.Os. (ii) All persons whose cases are specifically allotted to him u/s 5 (7A). (i) All persons, other than companies, contractors, salary earners, lawyers and doctors, with their place or principal place of business, profession or vocation in the New Delhi area described below, except those whose cases are allotted u/s 5 (7A) to other I.T.Os.

Area

Area covered by the Postal Delivery District Nos. 1, 2, 3, 4 and 5 as defined in Order dated 26th June 1950 of the Post Master General, New Delhi contained in Postal Street Directory of Delhi and New Delhi, 1950, described as below :—

New Delhi-1 :

South of the City Wall upto Ajmeri Gate, South of Over-bridge Road, Qutab Road upto Idgah Road, South of Idgah Road to Upper Ridge Road, Upper Ridge Road upto Kitchener Road, Kitchener Road upto Kitchener Road Quarters, from Kitchener Road Quarters along West of Kitchener Road upto Willingdon Crescent, Willingdon Crescent from Kitchener Road to Talkatora Road, North of Talkatora Road, North of Central Vista upto India Gate, East of Pandara Road upto Lodi Road, North of Lodi Road from Gold Club to junction of Wellesley Road, Wellesley Road upto Delhi-Muthra Road, Delhi Muthra Road upto north-west of Azim Ganj, thence to Railway line. Railway Line upto Hardinge Bridge, from Hardinge Bridge to Delhi Gate Power & Pumping Station along Jumna River.

New Delhi-2 :

North Avenue, South Avenue, Willingdon Crescent from South Avenue to Kitchener Road, Kitchener Road upto Kitchener Road Quarters on the Club Road, Safdarjangan Road to Lodi Road, Lodi Road upto Ratendone Lane, Ratendone Lane, Ratendone Road, Prithvi Raj Lane, Cornwallis Road between Prithvi Raj Lane and Pandara Road, Pandara Road, Central Vista, Talkatora Road.

New Delhi-3 :

From Bhairon Temple along Storm Water Drain upto Aliganj, Mubarakpur Kotla upto boundary of Jangpura, Jangpura boundary to Lodi Road, Lodi Road upto Pandara Road, Pandara Road upto Cornwallis Road, South of Cornwallis Road upto Prithvi Raj Lane, South of Prithvi Raj Lane upto Ratendone Road, South of Ratendone Road and Ratendone Lane upto Lodi Road, South of Lodi Road upto Safdarjangan Road, South and West of Safdarjangan Road upto Club Road, Club Road to Bhairon Temple.

New Delhi-4 :

The whole of the President's Estate within the boundaries of Willingdon Crescent and North and South Avenues.

New Delhi-5 :

New Rohtak Road upto Railway Crossing, along Railway Line and Storm Water Drain to the Cantonment boundary, along Cantonment boundary upto Upper Ridge Road, along west of Upper Ridge Road upto New Rohtak Road.

- (ii) All persons not carrying on any business profession or vocation who reside in the area mentioned in (i), except those whose cases are allotted under section 5 (7A) to other I.T.Os.
- (iii) All partners residing in Delhi State of firms included in (i) and (ii) above, except those whose cases are allotted under section 5 (7A) to other I.T.Os.
- (iv) All persons whose cases are specifically allotted to him u/s 5 (7A) of the act.

9. 1st Addl. Income-tax Officer, Business Circle, New Delhi.

- (i) All persons, other than companies, contractors, salary earners, lawyers and doctors, with their place or principal place of business, profession or vocation in the area within the jurisdiction of income-tax Officer, Business Circle, New Delhi with their last assessed income between Rs. 10,000/- and Rs. 24,999/- (both inclusive) as on 1-4-51.

Column I

Column II

- (ii) All persons not carrying on any business, profession or vocation who reside in the area mentioned in (i) above, except those whose cases are allotted u/s 5 (7A) to other I.T.Os.
- (iii) All partners residing in Delhi State of firms included in (i) and (ii) above, except those whose cases are allotted u/s 5 (7A) to other I.T.Os.
- (iv) All persons whose cases are allotted to him under section 5 (7A).
10. 2nd Addl. Income-tax Officer, Business Circle, New Delhi.
- (i) All persons, other than companies, contractors, salary earners, lawyers and doctors, with their place or principal place of business, profession or vocation in the area described below with their last assessed income below Rs. 10,000/- as on 1-4-51, except those allotted u/s 5 (7A) to other I.T.Os.
- Area :*
New Delhi except areas known as Gole Market, Panch-Kuian Road, Baird Road.
- (ii) All persons not carrying on any business, profession or vocation residing in the area mentioned in (i) above, except those allotted u/s 5 (7A) to other I.T.Os.
- (iii) All partners residing in Delhi State of firms included in (i) and (ii) above except those allotted u/s 5 (7A) to other I.T.Os.
- (iv) All persons whose cases are allotted to him u/s 5 (7A).
11. 3rd Addl. Income-tax Officer, Business Circle, New Delhi.
- (i) All persons, other than companies, contractors, salary earners lawyers and doctors, with their place or principal place of business, profession or vocation in the area described below with their last assessed income below Rs. 10,000/- as on 1-4-51, except those allotted u/s 5 (7A) to other I.T.Os.
- Area :*
Area known as Gole Market, Baird Road, Panch Kuian Road of New Delhi and Qarol Bagh and Paharganj of Delhi.
- (ii) All persons not carrying on any business, profession or vocation residing in the area mentioned in (i) above, except to those allotted under section 5 (7A) to other I.T.Os.
- (iii) All partners residing in Delhi State of firms included in (i) and (ii) above except those allotted under section 5 (7A) to other I.T.Os.
- (iv) All persons whose cases are allotted to him under section 5 (7A).

ORDER

Delhi, the 6th September 1951

No. K-167(2)(a)/18901.—In exercise of the powers conferred by sub-section 5 of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), I hereby direct that as from 7th September 1951, the Income-tax Officers mentioned in the table below shall perform their functions in respect of new assesseees other than Companies, Contractors and Salary Earners, discovered in the course of Survey operations or otherwise, after 26th September 1950 in the Income-tax Wards specified in column No. 2, but other than those who file returns *suo moto*.

Table

Name of Circle.	Jurisdiction of the Ward Income-tax-Officers.
1. Income-tax Officer, Special Survey Circles, 'A' & 'B' Delhi.	A-I, A-II, D-I and D-II.
2. 1st-Addl. Income-tax Officer, Special Survey Circles, 'A' And 'B' Delhi.	Business Circles and H Ward.
3. 2nd Addl. Income-tax Officer, Special Survey Circle, 'A', Delhi.	B-I, B-II, C-I and C-II.
4. 2nd Addl. Income-tax Officer, Special Survey Circle, 'B', Delhi.	E, G-I, G-II.

All other orders conferring jurisdiction on I.T.Os. of the wards specified in column 2 above should be read as modified accordingly.

INDARJIT SINGH,

Commissioner of Income-tax.

Delhi, Ajmer, Rajasthan and Madhya Bharat.

CENTRAL WATER & POWER COMMISSION

NOTIFICATIONS

New Delhi, the 11th September 1951

No. 186/95/49-Adm.—Shri D. P. Belani, Executive Engineer, Mahanadi Project Division, Madhya Pradesh Project Circle, was allowed earned leave for 15 days with effect from 16th August, 1951, with permission to prefix 15th August 1951 being holiday.

No. 604/2/51-Adm.—Shri S. N. Vinze, Assistant Executive Engineer, Central Designs Organisation was granted earned leave for 27 days from the 30th July to 25th August 1951 with permission to prefix and suffix Sundays, the 29th July and 26th August 1951 respectively.

The 14th September 1951

No. 582/3/50-Adm.—Shri L. D. Kotwani, Assistant Engineer, Central Designs Organization, was granted 30 days earned leave from 2nd August 1951 to 31st August 1951 (both days inclusive).

V. S. ANNASWAMI,

Secretary,

for Chairman, Central Water & Power Commission.

EAST INDIAN RAILWAY

NOTIFICATION

Calcutta, the 11th September 1951

No. FD/1.—Mr. R. N. Chowdhury, Officiating Assistant Controller of Grainshops (Lower Gazetted Service) has been reverted to Class III with effect from the 14th July, 1951 afternoon.

K. B. MATHUR,

General Manager.

EASTERN PUNJAB RAILWAY

NOTIFICATIONS

Delhi, the 4th September 1951

No. 93.—Shri N. N. Wadhawan, a Subordinate of the Electrical Department, Eastern Punjab Railway, is appointed to officiate in Class II service in that Department, on this Railway with effect from 1st September, 1951.

The 6th September 1951

No. 94.—Shri D. N. Goel, a Class II Officer of the Civil Engineering Department, Eastern Punjab Railway, is appointed to officiate in Senior Scale in the same Department on this Railway with effect from 3rd August, 1951.

No. 95.—Shri A. P. Verma, Probationary Assistant Transportation Officer, Eastern Punjab Railway, is granted leave on average pay for a period of 20 days with effect from 3rd September, 1951.

The 10th September 1951

No. 99.—Shri D. Michael, Officiating Class II service Officer of the Transportation (Power) and Mechanical Engineering Department, Eastern Punjab Railway, is confirmed in that service on this Railway, with effect from 1st April, 1949. This is in supersession of the Notification No. 33, dated 24th April, 1951.

The 14th September 1951

No. 101.—Shri G. S. Malhan, Superintendent, Railway Board's Office, is confirmed as Assistant Personnel Officer, Class II Service in the Transportation (Traffic) and Commercial Department, on Eastern Punjab Railway, with effect from 26th June, 1951.

DAYA CHAND,

Chief Administrative Officer.

G.I.P. RAILWAY

NOTIFICATION

Bombay, the 11th September 1951

No. 22462.E/466.—Dr. F. L. Jain, officiating Assistant Medical Officer, (Class II) is confirmed in that capacity with effect from 22nd May, 1951.

H. P. HIRA,

General Manager.

ASSAM RAILWAY**NOTIFICATION***Pandu, the 12th September 1951*

No. 480E/5(O).—1. Shri K. L. Phillips, Assistant Traffic Superintendent, is appointed to officiate in the Senior Scale as Superintendent Transportation with effect from 20th July 1951 (F.N.).

2. Shri H. D. Bhattacharjee, Offg. Senior Hours of Employment Inspector, is appointed to officiate in the Class II service as Assistant Personnel Officer with effect from 18th August 1951 (F.N.).

3. Shri M. N. Roy, Inspector of Works, is appointed to officiate in the Class II service as Sub-Divisional Officer with effect from 21st July 1951 (F.N.).

4. Shri M. M. Agerwala, Assistant Signal Engineer is appointed to officiate in the Senior scale as District Signal Engineer with effect from 5th July 1951 (A.N.).

5. Shri B. S. Sanghota, Offg. Superintendent Transportation, is reverted to Class II service as Assistant Traffic Superintendent with effect from 20th July 1951 (F.N.).

6. Shri R. L. Bose, Offg. Assistant Traffic Superintendent is reverted to Class III service with effect from 16th July 1951 (F.N.).

7. Shri D. J. Chatterjee, Offg. Executive Engineer, is reverted to Class II service as Asstt. Engineer with effect from 4th August 1951 (F.N.).

B. ARORA,*Chief Administrative Officer,
Assam Railway, Pandu.***RAJASTHAN RAILWAY****NOTIFICATION***Udaipur, the 4th September 1951*

No. ES51N01/Rajasthan.—(1) Capt. H. S. HENRY, Medical Officer is granted 7 days' privilege leave with effect from 5th July, 1951.

(2) MR. S. C. CHATTERJI, Traffic Manager, is granted 7 days' privilege leave with effect from 31st July, 1951.

P. S. KHAMESRA,
*General Manager,
Rajasthan Railway.***SAURASHTRA RAILWAY****NOTIFICATION***Gondal, the 4th September 1951*

No. ES51N01/Saurashtra.—(1) MR. J. R. THAKER, Assistant Traffic Superintendent is appointed to officiate as Superintendent of Movement (Senior scale) with effect from 1st March, 1951.

(2) MR. S. K. JOSHI, officiating Assistant Engineer, is granted leave on average pay from 21st May, 1951 to 9th June, 1951.

J. M. PANDYA,
*General Manager,
Saurashtra Railway.***BIKANER STATE RAILWAY****NOTIFICATION***Bikaner, the 4th September 1951*

No. ES51N01/Bikaner.—(1) MR. J. L. CAPOOR, General Manager, is granted 43 days' privilege leave with effect from 25th May 1951 with permission to suffix the Gazetted holiday on 7th July 1951.

(2) MR. H. R. PANGU, Assistant Works Manager, is granted 13 days' privilege leave with effect from 28th May, 1951.

(3) MR. MAN SINGH, Assistant Traffic Manager, is granted 34 days' privilege leave with effect from 4th June 1951 with permission to prefix and suffix Sundays on the 3rd June and the 8th July 1951.

(4) MR. J. K. MEHRA, Chief Mechanical Engineer, is granted 15 days' privilege leave with effect from 11th June 1951, with permission to prefix Sunday the 10th June 1951.

(5) MR. T. SADASIVAN, Assistant Traffic Manager, is granted 34 days' privilege leave with effect from 11th June 1951 with permission to prefix and suffix Sundays on 10th June and 15th July 1951.

(6) MR. N. I. OZA, Accounts Officer, is granted 27 days' privilege leave with effect from 25th June, 1951 with permission to prefix and suffix Sundays falling on the 24th June and 22nd July 1951.

(7) MR. LABH SINGH, Assistant Works Manager, is granted 25 days' privilege leave with effect from 25th June 1951.

(8) On return from leave, MR. J. L. CAPOOR, General Manager, resumed charge of the duties of the post of General Manager, on 9th July 1951.

(9) MR. JAGDISH NARAIN, Probationary, Assistant Controller of Stores is granted 32 days' privilege leave with effect from 23rd July 1951.

J. L. CAPOOR,
*General Manager,
Bikaner State Railway.***JODHPUR RAILWAY****NOTIFICATION***Jodhpur, the 4th September 1951*

No. ES51N01/Jodhpur.—(1) Mr. A. N. Baxi, Assistant Controller of Stores (Grainshops) resumed duty on 21st June 1951, after availing himself of 19 days sick leave with effect from 2nd June 1951.

(2) Mr. K. Harnath Singh, officiating Chief Mechanical Engineer is granted 37 days ordinary leave ex-India with effect from 4th June 1951.

(3) On recall from leave Mr. B. D. Gaur, Controller of Stores resumed duty on 13th June 1951.

(4) Mr. Mahipat Raj Mehta, temporary Assistant Engineer is granted leave on full average pay with effect from 11th June 1951 with permission to prefix and suffix holidays on 10th June 1951, 30th June 1951 and 1st July 1951.

(5) Mr. M. A. Rao, General Manager, is granted 2 months and 1 day's leave with effect from 18th June 1951.

(6) Mr. Jugal Kishore Mathur, Assistant Engineer, resumed duty on 21st June 1951 on return from sick leave.

(7) Mr. B. D. Gaur, Controller of Stores is granted 18 days' leave with effect from 27th June 1951.

(8) Mr. Nar Narain Asopa, Chief Traffic Manager, is granted 15 days' leave with effect from 30th June 1951.

(9) On return from leave Mr. K. Narendra Singh, Deputy Traffic Manager, Transportation resumed duty on 30th June 1951.

(10) On return from leave, Mr. Mahipat Raj Mehta, temporary Assistant Engineer, resumed duty on 2nd July 1951.

(11) On return from leave Mr. M. A. Rao, General Manager, resumed duty on the afternoon of 11th July 1951.

M. A. RAO,
*General Manager,
Jodhpur Railway.***CHITTARANJAN LOCOMOTIVE WORKS****NOTIFICATION***Chittaranjan, the 15th September 1951.*

No. GMA/GS/98.—Mr. T. V. Joseph, Officiating Town Engineer, Chittaranjan Locomotive Works, Chittaranjan, was granted 45 days leave on average pay with effect from 19th July 1951 with permission to suffix Sunday the 2nd September, 1951.

P. C. MUKERJEE,
*General Manager.***UNION PUBLIC SERVICE COMMISSION****NOTICE***New Delhi, the 22nd September 1951*

No. F.8/1/52-E.—An examination for admission to the Military Wing of the National Defence Academy for the

13th course commencing in August 1952 will be held by the Union Public Service Commission at Allahabad, Bombay, Calcutta, Delhi, Madras and Nagpur some time in January 1952, in accordance with the Notification published by the Ministry of Defence in the Gazette of India, dated the 15th September 1951. The exact date and the place of examination at each of the above centres will be communicated to candidates later on.

2. A candidate who desires to appear at the examination must submit his application on the prescribed form together with all the necessary documents in accordance with the Instructions to Candidates regarding the filling up and submission of applications so as to reach the Union Public Service Commission, Parliament House, Post Box No. 186, New Delhi, on or before the 3rd November 1951. No application received after the prescribed date will be entertained.

Copies of application forms and full particulars are obtainable from the undermentioned authorities :—

- (i) Secretary, Union Public Service Commission, Post Box No. 186, Parliament House, New Delhi.
- (ii) Headquarters, Delhi Area, Delhi Cantt.
- (iii) Headquarters, Sub Area, Ambala/Bangalore/Bombay / Lucknow / Madras / Meerut / Poona/Jullundur.
- (iv) Headquarters, Jubbulpore Indep Sub Area, Jubbulpore/Deccan Indep Sub Area, Secunderabad.
- (v) Headquarters, 201 Bde Area Jala Pahar/301 Bde Area, Dinapore/202 Bde Area, Calcutta.
- (vi) Headquarters, 181 Indep Bde Group, Shillong.
- (vii) Headquarters, Panagarh Base, Panagarh/Pathankot Base, Pathankot.
- (viii) Administrative Commandant, Allahabad.
- (ix) Recruiting Officer, Jullundur/Ambala/Ajmer/Lucknow / Calcutta / Poona/Bangalore/Patna/Nagpur/Kunraghat.

The fact that an application form has been supplied on whatever date will not be accepted as an excuse for the late submission of an application. Candidates who delay their requests for forms until a late date will do so at their own risk.

Note.—Applications for admission to the 12th Military Wing Course whose results are not yet known are advised, if otherwise eligible, to submit their applications for appearing at this examination. If they are selected for the 12th Course, their present applications will be cancelled by the Commission.

3. (a) Civilian candidates for admission to this examination must have been born not earlier than 2nd August 1931 and not later than 1st August 1934.

N.B.—Civilian candidates born between 2nd July and 1st August 1931 will also be eligible to apply for this examination as a special case.

(b) Personnel serving in the Army who wish to compete for this course must have been born not earlier than 2nd August 1928 and not later than 1st August 1934. This concession is not admissible to civilian personnel employed in the Army or to ex-servicemen or to personnel employed in the Territorial Army.

N.B.—Candidates under this paragraph born between 2nd July and 1st August 1928 will also be eligible to apply for this examination as a special case.

The age limits as stated above can in no case be relaxed.

4. Candidates must pay the following fees :—

Rs. 37-8-0 (Rs. 9-6-0 in the case of candidates belonging to Scheduled Castes or Scheduled Tribes) with the application.

Note 1.—Only a Treasury Receipt or crossed Indian Postal Orders payable to the Secretary, Union Public Service Commission, for the amount will be accepted. The Commission cannot accept the fee in Cash or by cheque.

Note 2.—No claim for a refund of this fee will ordinarily be entertained nor can it be held in reserve for any other examination or selection. A refund of Rs. 30/- (Rs. 7-8-0 in the case of candidates belonging to Scheduled Castes or Scheduled Tribes) will however be made to candidates who are not admitted to the examination by the Commission. A refund of Rs. 30/- (Rs. 7-8-0 in the case of candidates belonging to Scheduled Castes or Scheduled Tribes) will also be made to those candidates who secure 30 per cent. or more marks in the aggregate of the written papers.

Note 3.—The Commission may at their discretion remit the prescribed fee where they are satisfied that the applicant is a bona fide displaced person and is not in a position to pay the fee.

5. Candidates accepted for admission to the examination will be informed of the date, time and place of the examination in due course.

Advertisement No. 37

Applications invited for undermentioned posts from Indian citizens and persons migrated from Pakistan with intention of permanently settling in India or subjects of Nepal, Sikkim or Portuguese or French possession in India. Upper age limit relaxable by 3 years for scheduled castes, tribal and aboriginal communities and displaced persons. No relaxation for others save in exceptional cases and in no case beyond three years. Particulars and application forms from Secretary, Union Public Service Commission, Post Box No. 186, New Delhi. Applications for forms must specify name of post. Closing date for applications with treasury receipt or crossed Indian Postal Order for Rs. 7/8/- (Rs. 1/14/- for scheduled castes and tribes) 13th October 1951 (27th October, 1951 for applicants abroad). Commission may remit genuinely indigent and bona fide displaced persons' fee. Separate application with separate fee required for each post. Candidates abroad may apply on plain paper if forms not available and deposit fees with local Indian Embassy. If required candidates must appear for personal interview.

1. *One Lecturer in German, School of Foreign Languages.* Temporary and likely to continue. Non-Indian considered if no suitable Indian forthcoming. Pay.—Rs. 350—25—500. Age.—Below 45 years. *Qualifications.—Essential.*—(i) High academic qualifications in German language. (ii) Adequate experience of teaching German.

2. (a) *Four Regional Officers (Statistics) and (b) Two Assistant Statisticians, Indian Council of Agricultural Research.* On Research (Non-Government) side of Council. Temporary upto March, 1955 but likely to continue. Pay.—Rs. 275—25—500—E.B.—30—650—E.B.—30—800. Higher initial pay up to Rs. 400/- p.m. to specially well-qualified and experienced candidates. Age.—Below 40 years. *Qualifications.—Essential.*—(i) Degree in Mathematics or Statistics of recognised University. (ii) Post-graduate training in Statistics at recognised institution. (iii) Adequate experience in organisation and conduct of sample surveys in Agricultural Statistics.

3. *One permanent Associate Biochemist, Central Drugs Laboratory.* Pay.—Rs. 275—25—500—E.B.—30—650. No private practice permitted. Higher initial pay upto Rs. 400/- p.m. to specially well-qualified and experienced candidate. Age.—Below 35 years. *Relaxable for Government servants. Qualifications.—Essential.*—(i) Master's or equivalent Honours degree in Chemistry (Organic or Physical), Biochemistry or Physiology of recognised University. (ii) Special training in Biochemistry. (iii) About 3 years' experience in testing and assay of Vitamins, Hormones, Digestive Ferments, etc.

4. *Five Assistant Inspectors of Mines, Department of Mines.* Temporary but likely to become permanent. One post reserved for scheduled caste candidate but will be treated as unreserved if no such suitable candidate is forthcoming. Pay.—Rs. 275—25—500—E.B.—30—590. Higher initial pay up to Rs. 350/- p.m. to specially well-qualified and experienced candidates. Age.—Below 30 years. *Qualifications.—Essential.*—(i) Degree or diploma in Mining Engineering of recognised University. (ii) About 2 years' practical experience in metalliferous mines.

5. *One Lady Doctor, Coal Mines Labour Welfare Fund, Dhanbad.* Permanent but non-Government. Reserved for scheduled castes candidate but treated as unreserved if no such suitable candidate is available. Pay.—Rs. 260—15—440—20—500 plus Rs. 100/- p.m. non-practising allowance, and usual allowances admissible to Central Government Servants. Higher initial pay upto Rs. 305/- p.m. to specially well-qualified and experienced candidate. Age.—Between 27 and 40 years. *Relaxable for Government servants upto 45 years. Qualifications.—Essential.*—(i) Medical graduate of recognised University. (ii) Special experience in maternity and child welfare work.

6. *One Assistant Research Officer (Administration), Central Water Power, Irrigation and Navigation Research Station, Poona.* Permanent but appointment temporary and selected candidate considered for permanency in due course. Pay.—Rs. 275—25—500—30—590. Higher initial pay upto Rs. 400/- p.m. to specially well-qualified and experienced candidate. Age.—Below 35 years. *Relaxable for Government servants. Qualifications.—Essential.*—(a) (i) Degree in Civil Engineering of recognised University or equivalent. (ii) Adequate experience in construction work

in Public Works Department, preferably in Irrigation Sub-division. OR (b) (i) Diploma in Civil Engineering of recognised institution. (ii) Experience in P.W.D. works for about 12 years of which about 2 years should be in charge of Sub-division.

Advertisement No. 38

Applications invited for undermentioned posts from Indian citizens and persons migrated from Pakistan with intention of permanently settling in India or subjects of Nepal, Sikkim or Portuguese or French possession in India. Upper age limit relaxable by 3 years for scheduled castes, tribal and aboriginal communities and displaced persons. No relaxation for others save in exceptional cases and in no case beyond three years. Particulars and application forms from Secretary, Union Public Service Commission, Post Box No. 186, New Delhi. Applications for forms must specify name of post. Closing date for applications with treasury receipt or crossed Indian Postal Order for Rs. 7/8/- (Re. 1/14/- for scheduled castes and tribes) 20th October, 1951, (3rd November, 1951 for applicants abroad). Commission may remit genuinely indigent and bona fide displaced persons' fee. Separate application with separate fee required for each post. Candidates abroad may apply on plain paper if forms not available and deposit fees with local Indian Embassy. If required candidates must appear for personal interview.

1. One Nursing Superintendent, Irwin Hospital, New Delhi. Appointment made on 5 years' contract. Pay.—Rs. 320—20—400—25—450 plus usual dearness allowance, messing allowance Rs. 55 p.m. uniform allowance Rs. 150 per annum and washing allowance Rs. 4/8/- p.m. and free furnished quarter with electricity and water. Age.—Between 40 and 45 years. Relaxable for Government servants. Qualifications.—Essential.—(i) Matriculate or equivalent. (ii) Qualified in medical-surgical Midwifery 'A' Grade. (iii) Diploma in Nursing Administration of recognised institution. (iv) Adequate training as Tutor Sister. (v) Administrative experience for about 10 years in big hospital. (vi) Should speak Hindustani fluently.

2. One Senior Lecturer in Chemical Engineering and Technology, Delhi Polytechnic. Permanent but appointment made on temporary basis. Pay.—Rs. 500—30—800. Age.—Below 40 years. No age limit for Government servants. Qualifications.—Essential.—(i) Second Class M.Sc. in Physical Chemistry followed by Doctorate degree in Physical Chemistry OR Second Class M.Sc. in Chemical Engineering with specialised training or research in Applied Physical Chemistry. (ii) About 5 years' experience in research and/or teaching in recognised institution or in Industry. Period of experience relaxable in case of candidates otherwise well-qualified.

3. (i) Resident Physician and (ii) Resident Surgeon under Coal Mines Labour Welfare Fund, Dhanbad. Temporary for five years and likely to become permanent. Other things being equal preference to scheduled castes candidate. Pay.—Rs. 260—15—440—20—500—E.B.—50/2 750 plus Rs. 100 p.m. non-practising allowance. Higher initial pay upto Rs. 305 p.m. to specially well-qualified and

experienced candidates. Age.—Below 35 years. Relaxable for Government servants. Qualifications.—Essential.—(i) Graduate in Medicine and Surgery of recognised Indian or foreign University or College or equivalent. (ii) About 2 years' practice in respective department of well-equipped modern hospital where post-graduate training is given.

4. (a) One Lecturer in Mycology and (b) One Lecturer in Horticulture, Central College of Agriculture, Temporary but likely to become permanent. Pay.—Rs. 275—25—500—E.B.—30—650—E.B.—30—800. Age.—Between 27 and 45 years. Relaxable for Government servants. Qualifications.—Essential.—For (a) (i) At least second class M.Sc. degree or equivalent in Botany or Agriculture of recognised University with specialisation in Mycology or Plant Pathology. (ii) About 3 years' teaching experience. Research experience in Mycology or Plant Pathology. For (b) (i) At least second class Master's degree or equivalent in Science of recognised University with Horticulture as subject to study. (ii) About 3 years' teaching experience. (iii) Research experience in Horticulture.

5. One Director of Production, Office of the Textile Commissioner, Bombay. Temporary but likely to continue. Pay.—Rs. 1,300—60—1,600. Age.—Between 35 and 45 years. Relaxable for Government servants. Qualifications.—Essential.—(i) Degree or diploma in Textile Manufacture/Technology of recognised Indian or foreign University or institution. B.Sc. (Tech) or M.Sc. (Tech) Degree in Textile Technology (Spinning and/or Weaving) of Manchester preferred. (ii) About 8 years' recent experience of management and running of mills and also general experience of Textile Industry in various production centres. OR About 5 years' mill experience in Textile mills combined with about 5 years' experience as gazetted officer in Government departments connected with inspection of all varieties of textile stores. (iii) Administrative and organisational experience with experience of correspondence on technical matters.

6. One Lecturer in French, School of Foreign Languages, Ministry of Defence. Temporary for one year but likely to be extended. Non-Indians considered if no suitable Indian forthcoming. Pay.—Rs. 350—25—500. Age.—Below 45 years. Relaxable for Government servants. Qualifications.—Essential.—(i) High academic qualifications in French. (ii) Adequate experience of teaching French.

CORRIGENDUM

One Officer-in-Charge, J.C.B. Press, Joint Cipher Bureau, Ministry of Defence. It is notified for general information that above recruitment included in advertisement No. 35 which appeared on 1st September, 1951 has been cancelled.

BISHAN DAS,
Deputy Secretary,
Union Public Service Commission.

